



# *The Journal* OF THE *House of Representatives*

Number 34

Tuesday, April 20, 2010

The House was called to order by the Speaker at 9:30 a.m.

## Prayer

The following prayer was offered by Rabbi Kurt Stone of North Broward Chavurah of Coral Springs, upon invitation of Rep. Porth:

Master of the Universe, we call You by a hundred thousand different names. We call upon You in a hundred thousand different ways. And yet, whether we address You as God, as Jesus, Hashem, Allah, Vishnu, Yahweh; whether we stand, we kneel, or we fall prostrate on the ground; whether we recite prayers that are written from left to right, or right to left, or top to bottom; we are all essentially addressing the One who creates and sustains, who exalts and judges, who blesses and enables that which is best in each and every one of us. Through the very act of invoking Your name, we seek Your guidance, Your approval, and above all, Your strength and blessing.

Unquestionably, You have already bestowed manifold blessings upon the members of this august legislative body, blessings that have permitted them to become leaders in this great state. We pray that they be ever-mindful of the awesome responsibility that comes from being so engifted—that they constantly pause to reflect upon the very nature of communal responsibility. May they keep uppermost in their hearts and minds the most basic and purposive reasons why they are here—to feed the hungry, to clothe the naked, to exercise stewardship over all the natural glories that You have created; to educate, to elevate, and to advocate. And may they, who have been given so many blessings, be ever-cognizant of the fact that many paths can lead to the same destination.

May these men and women—they who call each other honorable, distinguished, and my good friend—may they all realize that You, dear God, have given us two ears with which to hear, but one mouth with which to speak. May we all understand that although there are undoubtedly many paths to the gates of glory, there is but one gatekeeper: You, and You alone. And as a result, none has the right to presume that his path must be my path, or that her belief must be my belief.

May You bless us and keep us. May You cause Your great countenance to shine upon us and be gracious unto us. May You lift up the light of Your countenance and grant us the most precious of all Your abundant blessings, the blessing of peace. Amen.

## Moment of Silence

At the request of Rep. G. Thompson, the House observed a moment of silence in memory of Dr. Dorothy Height, longtime president of the National Council of Negro Women, who died this morning at the age of 98.

The following members were recorded present:

Session Vote Sequence: 812

Speaker Cretul in the Chair.

Abruzzo	Fitzgerald	Llorente	Rogers
Adams	Flores	Long	Rouson
Adkins	Ford	Lopez-Cantera	Sachs
Anderson	Fresen	Mayfield	Sands
Aubuchon	Frishe	McBurney	Saunders
Bembry	Gaetz	Murzin	Schenck
Bernard	Galvano	Nehr	Schultz
Bogdanoff	Garcia	Nelson	Skidmore
Bovo	Gibbons	O'Toole	Snyder
Boyd	Gibson	Pafford	Soto
Brandenburg	Glorioso	Patronis	Stargel
Braynon	Gonzalez	Patterson	Steinberg
Brisé	Grady	Plakon	Taylor
Bullard	Grimsley	Planas	Thompson, G.
Burgin	Hasner	Poppell	Thompson, N.
Cannon	Hays	Porth	Thurston
Carroll	Heller	Precourt	Tobia
Chestnut	Holder	Proctor	Van Zant
Clarke-Reed	Homan	Rader	Waldman
Coley	Hooper	Randolph	Weatherford
Cretul	Horner	Ray	Weinstein
Crisafulli	Hudson	Reagan	Williams, A.
Cruz	Jenne	Reed	Williams, T.
Domino	Jones	Rehwinkel Vasilinda	Wood
Dorworth	Kelly	Renuart	Workman
Drake	Kiar	Rivera	Zapata
Eisnagle	Kreegel	Robaina	
Evers	Kriseman	Roberson, K.	
Fetterman	Legg	Roberson, Y.	

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The members, led by the following, pledged allegiance to the Flag: Taylor Andry of Miami at the invitation of Rep. Rivera; Amelia Johnson of Tallahassee at the invitation of the Speaker pro tempore; Kaitlyn Brimmer of Orlando at the invitation of Rep. Adams; Ryan Doyle of Redland at the invitation of Rep. Rivera; Jordan Jerrett of Tallahassee at the invitation of the Speaker pro tempore; Emily Moran of Boca Raton at the invitation of Rep. Skidmore; Brandon Johnson of Gainesville at the invitation of Rep. Chestnut; and Erin Porter of Lake City at the invitation of the Speaker.

## National Anthem

The Speaker introduced Mary Alice Skidmore of Boca Raton, daughter of Rep. Skidmore, and Savannah Scherff of Boca Raton, who sang "The Star Spangled Banner" at the invitation of Rep. Skidmore.

## Correction of the *Journal*

The *Journal* of April 19 was corrected and approved as corrected.

## Changes in Council and Committee Assignments

The Speaker advised that he had made the following Council and Committee appointments:

Rep. Gaetz      Government Operations Appropriations Committee; Health Care Regulation Policy Committee; Military & Local Affairs Policy Committee

## Reports of Standing Councils and Committees

### Reports of the Rules & Calendar Council

*The Honorable Larry Cretul*  
*Speaker, House of Representatives*

April 16, 2010

*Dear Mr. Speaker:*

Your Rules & Calendar Council herewith submits the Special Order for Tuesday, April 20, 2010. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

#### I. Consideration of the following bills:

CS/CS/HB 945 - Health Care Appropriations Committee, Elder & Family Services Policy Committee, & others  
Automated External Defibrillators in Assisted Living Facilities

CS/HB 91 - Elder & Family Services Policy Committee, Wood  
Adult Protective Services

CS/HB 7183 - Health Care Appropriations Committee, Health Care Regulation Policy Committee, & others  
Reorganization of the Department of Health

CS/CS/HB 225 - Health Care Appropriations Committee, Health Care Regulation Policy Committee, & others  
Controlled Substances

CS/HB 491 - Health Care Regulation Policy Committee, Bogdanoff, & others  
Teaching Nursing Homes

CS/CS/HB 1337 - Health Care Appropriations Committee, State Universities & Private Colleges Policy Committee, & others  
Nursing

CS/CS/HB 509 - Health & Family Services Policy Council, Health Care Regulation Policy Committee, & others  
Blood Establishments

CS/CS/HB 911 - Health & Family Services Policy Council, Health Care Regulation Policy Committee, & others  
Electronic Health Information

CS/HB 573 - Health Care Regulation Policy Committee, Kreegel  
Physician Assistants

CS/CS/CS/HB 1143 - Health & Family Services Policy Council, Health Care Appropriations Committee, & others  
Reduction and Simplification of Health Care Provider Regulation

HB 1179 - Grimsley, McBurney  
Electronic Documents Recorded in the Official Records

CS/HB 1505 - PreK-12 Policy Committee, Flores, & others  
John M. McKay Scholarships for Students with Disabilities Program

CS/HB 341 - State Universities & Private Colleges Policy Committee, Coley, & others  
H. Lee Moffitt Cancer Center and Research Institute

HB 7219 - Finance & Tax Council, Abruzzo  
Corporate Income Tax

HB 1581 - Hasner, Patterson, & others  
Florida Atlantic University

CS/CS/HB 885 - Rules & Calendar Council, General Government Policy Council, & others  
Life Insurance

CS/HB 1253 - Insurance, Business & Financial Affairs Policy Committee, Proctor, & others  
Continuing Care Facilities

CS/CS/HB 447 - General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee, & others  
Property Insurance

HB 661 - Nelson  
Minimum Surplus Requirements for Mortgage Guaranty Insurers

CS/CS/HB 787 - Policy Council, Public Safety & Domestic Security Policy Committee, & others  
Child Abduction Prevention

CS/HB 765 - Agriculture & Natural Resources Policy Committee, Garcia, & others  
Animal Protection

HB 923 - Reed, Garcia, & others  
Homelessness

CS/HB 1233 - PreK-12 Appropriations Committee, Jenne, & others  
Educational Plant Surveys

CS/CS/HB 1005 - Criminal & Civil Justice Policy Council, Public Safety & Domestic Security Policy Committee, & others  
Corrections

CS/HB 951 - Criminal & Civil Justice Appropriations Committee, Snyder, & others  
Public Safety

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*Bill Galvano*, Chair  
Rules & Calendar Council

On motion by Rep. Galvano, the above report was adopted.

## Bills and Joint Resolutions on Third Reading

**CS/HB 1537**—A bill to be entitled An act relating to administrative procedures of the Department of the Lottery; amending s. 24.105, F.S.; revising the rulemaking authority of the Department of the Lottery; authorizing the department to adopt rules governing the operation of games offered by the department; authorizing the department to adopt emergency

rules for the purpose of implementing instant ticket games; removing the authority of the department to perform any of the functions of the Department of Management Services under chapter 255, chapter 273, chapter 281, chapter 283, or chapter 287, F.S.; requiring the department to adopt by rule a personnel program for its employees; removing the exemption from chapter 120, F.S., related to personnel actions; repealing s. 24.109, F.S., relating to administrative procedure; deeming certain emergency rules in existence on a specified date to be rules adopted pursuant to s. 120.54(3), F.S.; providing that such rules remain in effect until amended or repealed by the department; requiring the Department of State to renumber rules as necessary; providing for repeal of certain rules in existence on a specified date that are no longer authorized; providing an effective date.

—was read the third time by title.

Representative Ford offered the following:

(Amendment Bar Code: 351543)

**Amendment 5 (with title amendment)**—Remove lines 85-94 and insert: promoting instant ticket games and online games. The Legislature finds that, from time to time, the department must respond as quickly as is practicable to changes in the marketplace when creating and promoting instant ticket games and online games. Therefore, in adopting emergency rules for the purpose of implementing and promoting such games, the department need not make the findings required by s. 120.54(4)(a). Emergency rules adopted under this subsection are exempt from s. 120.54(4)(c) and shall remain in effect until expiration of the specific instant ticket game or online game that is the subject of the emergency rule.

#### TITLE AMENDMENT

Remove line 8 and insert:  
rules for the purpose of implementing instant ticket games and online

Rep. Ford moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative Ford offered the following:

(Amendment Bar Code: 854699)

**Amendment 6 (with title amendment)**—Between lines 201 and 202, insert:

Section 3. Sections 287.042(1)(h) and 287.057(23), Florida Statutes, do not apply to procurements of commodities or services specific to the lottery industry and for which the Department of the Lottery is the sole purchaser in the state. Such procurements may include a lottery gaming system, instant tickets, and related commodities or services.

#### TITLE AMENDMENT

Remove line 16 and insert:  
relating to administrative procedure; providing that statutorily authorized transaction fees do not apply to certain procurements of commodities or services for which the department is the sole purchaser in the state; deeming certain

Rep. Ford moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative Ford offered the following:

(Amendment Bar Code: 101429)

**Amendment 7**—Remove line 204 and insert:  
relating to retailers; lost,

Rep. Ford moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 1537. The vote was:

Session Vote Sequence: 813

Speaker Cretul in the Chair.

Yeas—110

Abruzzo	Fetterman	Kriseman	Rogers
Adams	Fitzgerald	Legg	Rouson
Adkins	Flores	Llorente	Sachs
Anderson	Ford	Long	Sands
Aubuchon	Fresen	Mayfield	Saunders
Bembry	Frishe	McBurney	Schenck
Bernard	Gaetz	Murzin	Schultz
Bogdanoff	Galvano	Nehr	Skidmore
Bovo	Garcia	Nelson	Snyder
Boyd	Gibbons	O'Toole	Soto
Brandenburg	Gibson	Pafford	Stargel
Braynon	Glorioso	Patronis	Steinberg
Brisé	Gonzalez	Patterson	Taylor
Bullard	Grady	Planas	Thompson, G.
Burgin	Grimsley	Poppell	Thompson, N.
Cannon	Hasner	Porth	Thurston
Carroll	Hays	Precourt	Tobia
Chestnut	Heller	Proctor	Van Zant
Clarke-Reed	Holder	Rader	Waldman
Coley	Homan	Ray	Weatherford
Cretul	Hooper	Reagan	Weinstein
Crisafulli	Horner	Reed	Williams, A.
Cruz	Hudson	Rehwinkel Vasilinda	Williams, T.
Domino	Jenne	Renuart	Wood
Dorworth	Jones	Rivera	Workman
Drake	Kelly	Robaina	Zapata
Eisnagle	Kiar	Roberson, K.	
Evers	Kreegel	Roberson, Y.	

Nays—None

Votes after roll call:

Yeas—McKeel, Plakon, Randolph

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

**CS for SB 2440**—A bill to be entitled An act relating to liability releases; amending s. 549.09, F.S.; redefining the term "nonspectators" to include a minor on whose behalf a natural guardian has signed a motorsport liability release; providing that a motorsport liability release signed by a natural guardian on behalf of a minor participating in a sanctioned motorsports event is valid to the same extent as for other nonspectators; limiting the validity of a waiver or release signed by a natural guardian on behalf of a minor participating in an activity at a closed-course motorsport facility other than a sanctioned motorsports event; amending s. 744.301, F.S.; authorizing natural guardians to waive, in advance, claims for injuries arising from risks inherent in a commercial activity; defining the term "inherent risk"; providing a statement that must be included in the waiver; creating a rebuttable presumption that a waiver is valid and that the injury arose from the inherent risk; providing the requirements and standard of evidence for overcoming the presumption; authorizing natural guardians to waive, in advance, any claim against a noncommercial provider to the extent allowed by common law; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 814

Speaker Cretul in the Chair.

Yeas—114

Abruzzo	Fitzgerald	Llorente	Rogers
Adams	Flores	Long	Rouson
Adkins	Ford	Lopez-Cantera	Sachs
Anderson	Fresen	Mayfield	Sands
Aubuchon	Frishe	McBurney	Saunders
Bembry	Gaetz	Murzin	Schenck
Bernard	Galvano	Nehr	Schultz
Bogdanoff	Garcia	Nelson	Skidmore
Bovo	Gibbons	O'Toole	Snyder
Boyd	Gibson	Pafford	Soto
Brandenburg	Glorioso	Patronis	Stargel
Braynon	Gonzalez	Patterson	Steinberg
Brisé	Grady	Plakon	Taylor
Bullard	Grimsley	Planas	Thompson, G.
Burgin	Hasner	Poppell	Thompson, N.
Cannon	Hays	Porth	Thurston
Carroll	Heller	Precourt	Tobia
Chestnut	Holder	Proctor	Troutman
Clarke-Reed	Homan	Rader	Van Zant
Coley	Hooper	Randolph	Waldman
Cretul	Horner	Ray	Weatherford
Crisafulli	Hudson	Reagan	Weinstein
Cruz	Jenne	Reed	Williams, A.
Domino	Jones	Rehwinkel Vasilinda	Williams, T.
Dorworth	Kelly	Renuart	Wood
Drake	Kiar	Rivera	Workman
Eisnaugle	Kreegel	Robaina	Zapata
Evers	Kriseman	Roberson, K.	
Fetterman	Legg	Roberson, Y.	

Nays—None

Votes after roll call:

Yeas—McKeel

So the bill passed and was immediately certified to the Senate.

**CS for SB 2060**—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; increasing the statutory limits on liability for tort claims against the state and its agencies and subdivisions; providing for application of the act to claims arising on or after the effective date; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 815

Speaker Cretul in the Chair.

Yeas—110

Abruzzo	Fetterman	Legg	Roberson, Y.
Adams	Fitzgerald	Long	Rogers
Adkins	Flores	Lopez-Cantera	Rouson
Anderson	Ford	Mayfield	Sachs
Aubuchon	Fresen	McBurney	Sands
Bembry	Frishe	Nehr	Saunders
Bernard	Gaetz	Nelson	Schenck
Bogdanoff	Galvano	O'Toole	Schultz
Bovo	Garcia	Pafford	Schwartz
Boyd	Gibbons	Patronis	Skidmore
Brandenburg	Gibson	Patterson	Snyder
Braynon	Glorioso	Plakon	Soto
Brisé	Gonzalez	Planas	Stargel
Bullard	Grimsley	Poppell	Steinberg
Burgin	Hasner	Porth	Taylor
Cannon	Hays	Precourt	Thompson, G.
Carroll	Heller	Proctor	Thompson, N.
Chestnut	Holder	Rader	Thurston
Clarke-Reed	Homan	Randolph	Tobia
Coley	Horner	Ray	Troutman
Cretul	Hudson	Reagan	Van Zant
Crisafulli	Jenne	Reed	Waldman
Cruz	Jones	Rehwinkel Vasilinda	Weatherford
Domino	Kelly	Renuart	Weinstein
Dorworth	Kiar	Rivera	Williams, A.
Eisnaugle	Kreegel	Robaina	Williams, T.
Evers	Kriseman	Roberson, K.	Wood

Workman Zapata

Nays—4

Drake Grady Hooper Murzin

So the bill passed and was immediately certified to the Senate.

**CS/CS/HB 25**—A bill to be entitled An act relating to temporary and concurrent custody of a child; amending s. 61.13002, F.S.; providing that a parent activated, deployed, or temporarily assigned to military service on orders in excess of a specified period may designate a person or persons to exercise time-sharing with the child on the parent's behalf; limiting who may be designated; providing for limited objections by the other parent; providing for expedited hearings; requiring a servicemember and a nonmilitary parent to cooperate with each other to resolve issues; requiring information sharing; providing for agreements for persons to exercise time-sharing on a parent's behalf; providing for expedited hearings to enforce time-sharing rights; revising ch. 751, F.S., relating to petitions and court orders awarding the temporary custody of a child to an extended family member, to also provide for concurrent custody with the parents of the child; amending s. 751.01, F.S.; conforming provisions to changes made by the act; amending s. 751.011, F.S.; revising definitions; defining the term "concurrent custody"; amending s. 751.02, F.S.; providing requirements for concurrent custody; amending s. 751.03, F.S.; revising the petition for concurrent custody to require additional information; amending s. 751.04, F.S.; conforming provisions to changes made by the act; amending s. 751.05, F.S.; providing that if a parent objects to a petition for concurrent custody, the court may not grant the petition and must give the petitioner the option of converting the petition to one for temporary custody; providing for dismissal of the petition; providing that an order granting concurrent custody does not affect the ability of the parents to obtain the physical custody of the child at any time; providing for the court to terminate an order for concurrent custody if either or both parents object to the order; providing for filing for temporary custody if an order for concurrent custody has been terminated; providing for the court to modify an existing child support order; amending s. 49.011, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the passage of CS/CS/HB 25. The vote was:

Session Vote Sequence: 816

Representative Reagan in the Chair.

Yeas—113

Abruzzo	Cruz	Hasner	Nehr
Adams	Domino	Hays	Nelson
Adkins	Dorworth	Heller	O'Toole
Anderson	Drake	Holder	Pafford
Aubuchon	Eisnaugle	Homan	Patronis
Bembry	Evers	Hooper	Patterson
Bernard	Fetterman	Horner	Plakon
Bogdanoff	Fitzgerald	Hudson	Planas
Bovo	Flores	Jenne	Poppell
Boyd	Ford	Jones	Porth
Brandenburg	Fresen	Kelly	Precourt
Braynon	Frishe	Kiar	Proctor
Brisé	Gaetz	Kreegel	Rader
Bullard	Galvano	Kriseman	Randolph
Burgin	Garcia	Legg	Ray
Cannon	Gibbons	Llorente	Reagan
Carroll	Gibson	Long	Reed
Chestnut	Glorioso	Lopez-Cantera	Rehwinkel Vasilinda
Clarke-Reed	Gonzalez	Mayfield	Renuart
Coley	Grady	McBurney	Rivera
Crisafulli	Grimsley	Murzin	Robaina

Roberson, K.	Schwartz	Thompson, N.	Williams, A.
Rogers	Skidmore	Thurston	Williams, T.
Rouson	Snyder	Tobia	Wood
Sachs	Soto	Troutman	Workman
Sands	Stargel	Van Zant	Zapata
Saunders	Steinberg	Waldman	
Schenck	Taylor	Weatherford	
Schultz	Thompson, G.	Weinstein	

Nays—None

Votes after roll call:

Yeas—McKeel

So the bill passed and was immediately certified to the Senate.

**CS/CS/CS/HB 159**—A bill to be entitled An act relating to guaranty associations; amending s. 631.52, F.S.; expanding an exemption from the applicability of certain provisions of state law to include workers' compensation claims under employer liability coverage; amending s. 631.54, F.S.; conforming the definition of "account" to changes made by the act; amending s. 631.55, F.S.; revising the separate accounts of the association; amending s. 631.57, F.S.; conforming cross-references; providing a legislative finding and declaration; authorizing insurers to recoup certain assessments levied by the Office of Insurance Regulation by applying certain recoupment factors; deleting provisions relating to classification and payment of emergency assessments; providing guidelines and a methodology for the calculation of recoupment factors for recouping certain assessments; authorizing an insurer to apply a recalculated recoupment factor under certain conditions; providing for the return of excess assessments and recoupment charges; providing that amounts recouped are not premium and not subject to premium taxes, fees, or commissions; requiring that insurers treat failure to pay a recoupment charge as failure to pay the premium; requiring that an insurer file with the office a statement containing certain information within a specified period before applying a recoupment factor to any policies; authorizing an insurer to use a recoupment factor after the expiration of such period; providing that an insurer need submit only one such statement for all lines of business; requiring that an insurer file with the office an accounting report containing certain information within a specified period after the completion of the recoupment process; providing that an insurer need submit only one such report for all lines of business; amending s. 631.713, F.S.; expanding the application of certain provisions of state law to certain residents of other states who own certain insurance policies; expanding the list of contracts and policies to which life and health insurance guaranty of payments provisions do not apply; providing for application to coverage under certain structured settlement annuities under certain circumstances; amending s. 631.714, F.S.; revising certain definitions; amending s. 631.717, F.S.; revising a guaranty association's aggregate liability for life insurance and deferred annuity contracts; authorizing an association to issue alternative policies or contracts to certain policies or contracts under certain circumstances; subjecting such alternative policies or contracts to specified requirements; creating s. 631.7295, F.S.; authorizing an association to succeed to the rights of an insolvent insurer arising after an order of liquidation or rehabilitation with regard to certain contracts of reinsurance; requiring that such an association pay all unpaid premiums due under the contract; amending s. 631.735, F.S.; specifying that certain advertisement prohibitions do not prohibit the furnishing of certain written information in a form prepared by an association upon request; amending s. 631.904, F.S.; revising the definition of the term "covered claim"; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 817

Representative Reagan in the Chair.

Yeas—114

Abruzzo	Flores	Long	Rouson
Adams	Ford	Lopez-Cantera	Sachs
Adkins	Fresen	Mayfield	Sands
Anderson	Frishe	McBurney	Saunders
Aubuchon	Gaetz	Murzin	Schenck
Bembry	Galvano	Nehr	Schultz
Bernard	Garcia	Nelson	Schwartz
Bogdanoff	Gibbons	O'Toole	Skidmore
Bovo	Gibson	Pafford	Snyder
Boyd	Glorioso	Patronis	Soto
Brandenburg	Gonzalez	Patterson	Stargel
Braynon	Grady	Plakon	Steinberg
Brisé	Grimsley	Planas	Taylor
Bullard	Hasner	Poppell	Thompson, G.
Burgin	Hays	Porth	Thompson, N.
Cannon	Heller	Precourt	Thurston
Carroll	Holder	Proctor	Tobia
Chestnut	Homan	Rader	Troutman
Clarke-Reed	Hooper	Randolph	Van Zant
Coley	Horner	Ray	Waldman
Crisafulli	Hudson	Reagan	Weatherford
Cruz	Jenne	Reed	Weinstein
Domino	Jones	Rehwinkel Vasilinda	Williams, A.
Dorworth	Kelly	Renuart	Williams, T.
Drake	Kiar	Rivera	Wood
Eisnaugle	Kreegel	Robaina	Workman
Evers	Kriseman	Roberson, K.	Zapata
Fetterman	Legg	Roberson, Y.	
Fitzgerald	Llorente	Rogers	

Nays—None

Votes after roll call:

Yeas—McKeel

So the bill passed and was immediately certified to the Senate.

**CS/HB 1493**—A bill to be entitled An act relating to career offenders; amending s. 775.261, F.S.; providing that it is a first-degree misdemeanor for a person to perform specified acts with the intent to assist a career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender about, or to arrest the career offender for, his or her noncompliance; providing criminal penalties; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 818

Representative Reagan in the Chair.

Yeas—113

Abruzzo	Eisnaugle	Jones	Randolph
Adams	Evers	Kelly	Ray
Adkins	Fetterman	Kiar	Reagan
Anderson	Fitzgerald	Kreegel	Reed
Aubuchon	Flores	Kriseman	Rehwinkel Vasilinda
Bembry	Ford	Legg	Renuart
Bernard	Fresen	Llorente	Rivera
Bogdanoff	Frishe	Long	Robaina
Bovo	Gaetz	Lopez-Cantera	Roberson, K.
Boyd	Galvano	Mayfield	Roberson, Y.
Brandenburg	Garcia	McBurney	Rogers
Braynon	Gibbons	Murzin	Rouson
Brisé	Gibson	Nehr	Sachs
Bullard	Glorioso	Nelson	Sands
Burgin	Gonzalez	O'Toole	Saunders
Cannon	Grimsley	Pafford	Schenck
Carroll	Hasner	Patronis	Schultz
Chestnut	Hays	Patterson	Schwartz
Clarke-Reed	Heller	Plakon	Skidmore
Coley	Holder	Planas	Snyder
Crisafulli	Homan	Poppell	Soto
Cruz	Hooper	Porth	Stargel
Domino	Horner	Precourt	Steinberg
Dorworth	Hudson	Proctor	Taylor
Drake	Jenne	Rader	Thompson, G.

Thompson, N.	Van Zant	Williams, A.	Zapata
Thurston	Waldman	Williams, T.	
Tobia	Weatherford	Wood	
Troutman	Weinstein	Workman	

Nays—None

Votes after roll call:

Yeas—Grady, McKeel

So the bill passed and was immediately certified to the Senate.

**HB 1147**—A bill to be entitled An act relating to saltwater products licenses; amending s. 379.361, F.S.; providing that specified residents are exempt from the annual fee for a saltwater products license; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 819

Representative Reagan in the Chair.

Yeas—114

Abruzzo	Flores	Long	Rouson
Adams	Ford	Lopez-Cantera	Sachs
Adkins	Fresen	Mayfield	Sands
Anderson	Frishe	McBurney	Saunders
Aubuchon	Gaetz	Murzin	Schenck
Bembry	Galvano	Nehr	Schultz
Bernard	Garcia	Nelson	Schwartz
Bogdanoff	Gibbons	O'Toole	Skidmore
Bovo	Gibson	Pafford	Snyder
Boyd	Glorioso	Patronis	Soto
Brandenburg	Gonzalez	Patterson	Stargel
Braynon	Grady	Plakon	Steinberg
Brisé	Grimsley	Planas	Taylor
Bullard	Hasner	Poppell	Thompson, G.
Burgin	Hays	Porth	Thompson, N.
Cannon	Heller	Precourt	Thurston
Carroll	Holder	Proctor	Tobia
Chestnut	Homan	Rader	Troutman
Clarke-Reed	Hooper	Randolph	Van Zant
Coley	Horner	Ray	Waldman
Crisafulli	Hudson	Reagan	Weatherford
Cruz	Jenne	Reed	Weinstein
Domino	Jones	Rehwinkel Vasilinda	Williams, A.
Dorworth	Kelly	Renuart	Williams, T.
Drake	Kiar	Rivera	Wood
Eisnaugle	Kreegel	Robaina	Workman
Evers	Kriseman	Roberson, K.	Zapata
Fetterman	Legg	Roberson, Y.	
Fitzgerald	Llorente	Rogers	

Nays—None

Votes after roll call:

Yeas—McKeel

So the bill passed and was immediately certified to the Senate.

**CS/CS/HB 1307**—A bill to be entitled An act relating to state financial matters; amending s. 121.4501, F.S.; revising and providing definitions; providing for excess account balances in the Public Employee Optional Retirement Program when an employee transfers to the defined benefit program; providing for the use of such excess balance; requiring the State Board of Administration to resolve complaints; providing for the use of records in resolving such complaints; clarifying the state board's rule authority with respect to the program; amending s. 121.4502, F.S.; establishing a forfeiture account in the Public Employee Retirement Program Trust Fund; providing for the use of funds in the account; amending s. 121.591, F.S.; conforming a cross-reference; permitting an application for

benefits under the optional retirement program to be submitted by electronic means; amending s. 121.74, F.S.; revising the contribution rates for employers participating in the Florida Retirement System; amending s. 121.78, F.S.; exempting the Division of Retirement, the state board, and the third-party administrator from liability for market losses due to acts of God; amending s. 215.44, F.S.; expanding the authority of the state board to use trust agreements; requiring that the state board create an audit committee for specified purposes; providing for duties, membership, and term limits; requiring that the state board annually produce and report to the Legislature certain financial statements; requiring that such statements be audited by an independent third-party firm under the direction of the audit committee; requiring that the state board meet at specified intervals and receive reports containing certain information from specified entities; amending s. 215.441, F.S.; providing minimum qualifications for the executive director of the state board; amending s. 215.444, F.S.; increasing membership of the Investment Advisory Council; revising membership requirements; providing council meeting and reporting requirements; providing additional requirements for council members; authorizing the council to create subcommittees; amending s. 215.47, F.S.; expanding the types of investments that the state board is authorized to make; authorizing moneys available for investment by the state board to be invested in certain federally tax-exempt bonds, notes, or obligations not subject to the federal alternative minimum tax; providing funds that may be invested in a foreign entity; creating s. 215.4754, F.S.; providing intent; requiring that the contract for an investment adviser or manager include a standard of conduct; providing for termination of the contract of an adviser or manager who violates the standard of conduct; prohibiting a member of the council from contracting with or providing services for the investment of certain funds during his or her service on the council and for a specified period thereafter; creating s. 215.4755, F.S.; requiring that an investment advisor or manager annually certify to the state board certain activities regarding investment decisions and standards of behavior; requiring that certain disclosures be made at the request of the state board regarding pecuniary interests of an investment adviser or manager; amending s. 215.52, F.S.; providing requirements for rules made by the state board with respect to certain fiduciary duties; amending s. 218.409, F.S.; providing for extending a moratorium on contributions to or withdrawals from the Local Government Surplus Funds Trust Fund under certain circumstances; authorizing the state board to develop work products that are subject to trademark, copyright, or patent; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 820

Representative Reagan in the Chair.

Yeas—113

Abruzzo	Domino	Holder	Patterson
Adams	Dorworth	Homan	Plakon
Adkins	Drake	Hooper	Planas
Anderson	Eisnaugle	Horner	Poppell
Aubuchon	Evers	Hudson	Porth
Bembry	Fetterman	Jenne	Precourt
Bernard	Fitzgerald	Jones	Proctor
Bogdanoff	Flores	Kelly	Rader
Bovo	Ford	Kiar	Ray
Boyd	Fresen	Kreegel	Reagan
Brandenburg	Frishe	Kriseman	Reed
Braynon	Gaetz	Legg	Rehwinkel Vasilinda
Brisé	Galvano	Llorente	Renuart
Bullard	Garcia	Long	Rivera
Burgin	Gibbons	Lopez-Cantera	Robaina
Cannon	Gibson	Mayfield	Roberson, K.
Carroll	Glorioso	McBurney	Roberson, Y.
Chestnut	Gonzalez	Murzin	Rogers
Clarke-Reed	Grady	Nehr	Sachs
Coley	Grimsley	Nelson	Sands
Cretul	Hasner	O'Toole	Saunders
Crisafulli	Hays	Pafford	Schenck
Cruz	Heller	Patronis	Schultz

Schwartz	Taylor	Van Zant	Wood
Skidmore	Thompson, G.	Waldman	Workman
Snyder	Thompson, N.	Weatherford	Zapata
Soto	Thurston	Weinstein	
Stargel	Tobia	Williams, A.	
Steinberg	Troutman	Williams, T.	

Nays—None

Votes after roll call:

Yeas—McKeel, Randolph

So the bill passed, as amended, and was immediately certified to the Senate.

**HB 11**—A bill to be entitled An act relating to crimes against homeless persons; amending s. 775.085, F.S.; reclassifying offenses evidencing prejudice based on the homeless status of the victim; providing a definition; providing an effective date.

—was read the third time by title.

### Motion

Rep. Saunders moved the previous question on HB 11. Under Rule 11.8, the motion was agreed to.

The question recurred on the passage of HB 11. The vote was:

Session Vote Sequence: 821

Representative Reagan in the Chair.

Yeas—80

Abruzzo	Fetterman	Kriseman	Sachs
Ambler	Fitzgerald	Llorente	Sands
Anderson	Flores	Long	Saunders
Aubuchon	Fresen	Lopez-Cantera	Schultz
Bembry	Frishe	Mayfield	Schwartz
Bernard	Galvano	Murzin	Skidmore
Bovo	Garcia	O'Toole	Snyder
Boyd	Gibbons	Pafford	Soto
Brandenburg	Gibson	Planas	Stargel
Braynon	Gonzalez	Porth	Steinberg
Brisé	Grimsley	Rader	Taylor
Bullard	Heller	Reagan	Thompson, G.
Burgin	Holder	Reed	Thompson, N.
Carroll	Homan	Rehwinkel Vasilinda	Thurston
Chestnut	Hooper	Renuart	Tobia
Clarke-Reed	Horner	Robaina	Waldman
Coley	Hudson	Roberson, K.	Weinstein
Cruz	Jenne	Roberson, Y.	Williams, A.
Drake	Jones	Rogers	Wood
Eisnaugle	Kiar	Rouson	Zapata

Nays—28

Adkins	Grady	Nehr	Proctor
Bogdanoff	Hasner	Nelson	Ray
Crisafulli	Hays	Patronis	Schenck
Evers	Kelly	Patterson	Troutman
Ford	Kreegel	Plakon	Van Zant
Gaetz	Legg	Poppell	Williams, T.
Glorioso	McBurney	Precourt	Workman

Votes after roll call:

Yeas—Adams, Domino, Randolph

Nays—Weatherford

So the bill passed and was immediately certified to the Senate.

**CS/HB 551**—A bill to be entitled An act relating to public records and meetings; amending s. 112.324, F.S.; revising an exemption from public record and public meeting requirements which is provided for complaints

and related records in the custody of and proceedings conducted by a county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements; providing for future repeal and legislative review under the Open Government Sunset Review Act of revisions to the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 822

Representative Reagan in the Chair.

Yeas—110

Abruzzo	Ford	Long	Sachs
Adams	Fresen	Lopez-Cantera	Sands
Adkins	Frishe	Mayfield	Saunders
Ambler	Gaetz	McBurney	Schenck
Anderson	Galvano	Murzin	Schultz
Aubuchon	Garcia	Nehr	Schwartz
Bembry	Gibbons	Nelson	Skidmore
Bernard	Gibson	O'Toole	Snyder
Bogdanoff	Glorioso	Pafford	Soto
Bovo	Gonzalez	Patronis	Stargel
Boyd	Grady	Patterson	Steinberg
Brandenburg	Grimsley	Plakon	Taylor
Brisé	Hasner	Planas	Thompson, G.
Burgin	Hays	Poppell	Thompson, N.
Cannon	Heller	Porth	Thurston
Carroll	Holder	Precourt	Tobia
Chestnut	Homan	Proctor	Troutman
Clarke-Reed	Hooper	Rader	Van Zant
Coley	Horner	Ray	Waldman
Crisafulli	Hudson	Reagan	Weatherford
Cruz	Jenne	Reed	Weinstein
Domino	Jones	Renuart	Williams, A.
Dorworth	Kelly	Rivera	Williams, T.
Drake	Kiar	Robaina	Wood
Eisnaugle	Kreegel	Roberson, K.	Workman
Evers	Kriseman	Roberson, Y.	Zapata
Fitzgerald	Legg	Rogers	
Flores	Llorente	Rouson	

Nays—None

Votes after roll call:

Yeas—Braynon, Bullard, Fetterman, McKeel, Randolph, Rehwinkel Vasilinda

So the bill passed by the required two-thirds vote and was immediately certified to the Senate.

**HB 595**—A bill to be entitled An act relating to open house parties; amending s. 856.015, F.S.; providing that a person who violates the open house party statute a second or subsequent time commits a misdemeanor of the first degree; providing that a person commits a misdemeanor of the first degree if the violation of the open house party statute results in serious bodily injury or death; providing criminal penalties; providing an effective date.

—was read the third time by title.

Representative Fitzgerald offered the following:

(Amendment Bar Code: 915373)

**Amendment 1 (with title amendment)**—Remove lines 31-32 and insert:

(5) If a violation of subsection (2) causes serious bodily injury, as defined in s. 316.1933, or death of the minor, it is a

### TITLE AMENDMENT

Remove lines 7-8 and insert:

violation of the open house party statute causes serious bodily injury or death of a minor; providing criminal

Rep. Fitzgerald moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 595. The vote was:

Session Vote Sequence: 823

Representative Reagan in the Chair.

Yeas—112

Abruzzo	Fitzgerald	Legg	Rogers
Adams	Flores	Llorente	Rouson
Adkins	Ford	Long	Sachs
Ambler	Fresen	Lopez-Cantera	Sands
Anderson	Frishe	Mayfield	Saunders
Aubuchon	Gaetz	McBurney	Schenck
Bembry	Galvano	Murzin	Schultz
Bernard	Garcia	Nehr	Schwartz
Bogdanoff	Gibbons	Nelson	Skidmore
Boyd	Gibson	O'Toole	Snyder
Brandenburg	Glorioso	Pafford	Soto
Braynon	Gonzalez	Patronis	Stargel
Brisé	Grady	Patterson	Steinberg
Bullard	Grimsley	Plakon	Taylor
Burgin	Hasner	Planas	Thompson, G.
Cannon	Hays	Poppell	Thompson, N.
Carroll	Heller	Porth	Thurston
Chestnut	Holder	Precourt	Tobia
Clarke-Reed	Homan	Proctor	Troutman
Coley	Hooper	Rader	Van Zant
Cretul	Horner	Ray	Waldman
Crisafulli	Hudson	Reagan	Weatherford
Cruz	Jenne	Reed	Weinstein
Domino	Jones	Renuart	Williams, A.
Dorworth	Kelly	Rivera	Williams, T.
Drake	Kiar	Robaina	Wood
Eisnagle	Kreegel	Roberson, K.	Workman
Evers	Kriseman	Roberson, Y.	Zapata

Nays—None

Votes after roll call:

Yeas—Bovo, Fetterman, McKeel, Randolph, Rehwinkel Vasilinda

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

#### THE SPEAKER IN THE CHAIR

**CS/CS/HB 945**—A bill to be entitled An act relating to automated external defibrillators in assisted living facilities; amending s. 429.255, F.S.; requiring certain assisted living facilities to possess a functioning automated external defibrillator; encouraging an assisted living facility to register the location of the automated external defibrillator with a local emergency medical services medical director; providing immunity from liability under the Good Samaritan Act and the Cardiac Arrest Survival Act; authorizing the Department of Elderly Affairs to adopt rules relating to the use of automated external defibrillators; providing appropriations; providing effective dates.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 91**—A bill to be entitled An act relating to adult protective services; amending s. 415.101, F.S.; revising legislative intent with respect to adult protective services; providing for care and protection of all vulnerable adults; amending s. 415.102, F.S.; defining the term "activities of daily living"; revising the definition of the term "vulnerable adult"; conforming a cross-reference; amending s. 415.103, F.S.; providing for certain suspected abuse cases to be transferred to the local county sheriff's office; amending s. 415.1051, F.S.; providing for the Department of Children and Family Services to file a petition to determine incapacity and guardianship under certain circumstances; amending s. 322.142, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to provide copies of drivers' license files

to the Department of Children and Family Services to conduct protective investigations; amending ss. 435.04, 943.0585, and 943.059, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 7183**—A bill to be entitled An act relating to the reorganization of the Department of Health; amending s. 20.43, F.S.; revising the mission and responsibilities of the department; providing duties of the State Surgeon General with respect to management of the department; abolishing responsibility to regulate health practitioners effective July 1, 2011; abolishing specified divisions of the department effective July 1, 2011, unless reviewed and reenacted by the Legislature; authorizing the department to establish multicounty service areas for county health departments; requiring the department to submit a reorganization plan to the Legislature by a specified date; prohibiting the department from establishing new programs or modifying current programs without legislative approval; requiring the department to seek approval from the Legislative Budget Commission for certain activities; providing that the request for approval is subject to certain notice, review, and objection procedures; amending s. 381.0011, F.S.; revising duties and powers of the department; requiring the department to manage emergency preparedness and disaster response functions; authorizing the department to issue health alerts or advisories under certain conditions; revising rulemaking authority of the department; amending s. 381.006, F.S.; revising the definition of the term "group care facility"; amending s. 381.0072, F.S.; revising the definition of the term "food service establishment"; authorizing the department to advise and consult with other agencies relating to the provision of food services; revising entities that are exempt from rules relating to standards for food service establishment manager certification; amending s. 381.0101, F.S.; revising the definition of the term "primary environmental health program"; repealing s. 381.001, F.S., relating to legislative intent with respect to the state's public health system; repealing s. 381.04015, F.S., relating to the Women's Health Strategy; repealing s. 401.243, F.S., relating to the department's injury prevention program; repealing ss. 411.23, 411.231, and 411.232, F.S., relating to the Children's Early Investment Act; amending s. 381.4018, F.S.; providing definitions; revising the list of governmental stakeholders that the department is required to work with regarding the state strategic plan and in assessing the state's physician workforce; creating the Physician Workforce Advisory Council; providing for appointments, membership, terms, and duties of the council; providing that council members are not entitled to receive compensation or reimbursement for per diem or travel expenses; providing the duties of the council; amending s. 392.51, F.S.; revising legislative intent with respect to the delivery of tuberculosis control services; amending s. 392.69, F.S.; requiring the department to develop a plan to provide tuberculosis services; requiring the department to submit the plan to the Governor and Legislature; amending ss. 411.01 and 411.224, F.S.; conforming cross-references; amending ss. 458.3192 and 459.0082, F.S.; requiring the department to determine by geographic area and specialty the number of physicians who plan to relocate outside the state, practice medicine in this state, and reduce or modify the scope of their practice; authorizing the department to include additional information in its report to the Governor and Legislature; amending s. 499.01, F.S.; creating an exemption from device manufacturer permits for certain persons; amending s. 499.01212, F.S.; exempting specified prescription drugs from pedigree paper requirements under certain circumstances; amending s. 499.029, F.S.; renaming the Cancer Drug Donation Program as the Prescription Drug Donation Program; revising definitions; expanding the drugs and supplies that may be donated under the program; expanding the types of facilities and practitioners that may participate in the program; conforming provisions to changes in terminology; amending s. 509.013, F.S.; revising the definitions of the terms "public lodging establishment" and "public food establishment"; transferring and reassigning certain functions and responsibilities, including records, personnel, property, and unexpended balances of appropriations and other resources, from the Department of Health to the Department of Business and Professional Regulation by a type two transfer; providing for the continued validity of



pending judicial or administrative actions to which the Department of Health is a party; providing for the continued validity of lawful orders issued by the Department of Health; transferring rules created by the Department of Health to the Department of Business and Professional Regulation; providing for the continued validity of permits and certifications issued by the Department of Health; providing effective dates.

—was read the second time by title.

Representative Hudson offered the following:

(Amendment Bar Code: 149365)

**Amendment 1 (with title amendment)**—Between lines 1182 and 1183, insert:

Section 12. Subsection (5) is added to section 456.074, Florida Statutes, to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(5) Effective July 1, 2011, before issuing an emergency order suspending the license of a physician licensed under chapter 458, chapter 459, or chapter 461 or a dentist licensed under chapter 466, the Secretary of Business and Professional Regulation shall consult with, and receive a recommendation from, the State Surgeon General. The State Surgeon General shall provide a recommendation within 24 hours after the consultation.

#### TITLE AMENDMENT

Between lines 56 and 57, insert:

amending s. 456.074, F.S.; requiring the Secretary of Business and Professional Regulation to consult with the State Surgeon General before issuing an emergency suspension order for certain licensed providers; providing a deadline for the recommendation;

Rep. Hudson moved the adoption of the amendment, which was adopted.

On motion by Rep. Patronis, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Patronis offered the following:

(Amendment Bar Code: 445633)

**Amendment 2 (with title amendment)**—Between lines 1228 and 1229, insert:

Section 14. Subsections (32) through (54) of section 499.003, Florida Statutes, are renumbered as subsections (33) through (55), respectively, present subsection (42) and paragraph (a) of present subsection (53) are amended, and a new subsection (32) is added to that subsection, to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(32) "Medical convenience kit" means packages or units that contain combination products as defined in 21 C.F.R. s. 3.2(e)(2).

(43)(42) "Prescription drug" means a prescription, medicinal, or legend drug, including, but not limited to, finished dosage forms or active ingredients subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s. 465.003(8), s. 499.007(13), or subsection (11), subsection (46) (45), or subsection (53) (52).

(54)(53) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with s. 499.01(2)(g):

1. The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a prescription drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of that organization.

2. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug by a charitable organization described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended and revised, to a nonprofit affiliate of the organization to the extent otherwise permitted by law.

3. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug among hospitals or other health care entities that are under common control. For purposes of this subparagraph, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise.

4. The sale, purchase, trade, or other transfer of a prescription drug from or for any federal, state, or local government agency or any entity eligible to purchase prescription drugs at public health services prices pursuant to Pub. L. No. 102-585, s. 602 to a contract provider or its subcontractor for eligible patients of the agency or entity under the following conditions:

a. The agency or entity must obtain written authorization for the sale, purchase, trade, or other transfer of a prescription drug under this subparagraph from the State Surgeon General or his or her designee.

b. The contract provider or subcontractor must be authorized by law to administer or dispense prescription drugs.

c. In the case of a subcontractor, the agency or entity must be a party to and execute the subcontract.

~~d. A contract provider or subcontractor must maintain separate and apart from other prescription drug inventory any prescription drugs of the agency or entity in its possession.~~

~~d.e.~~ The contract provider and subcontractor must maintain and produce immediately for inspection all records of movement or transfer of all the prescription drugs belonging to the agency or entity, including, but not limited to, the records of receipt and disposition of prescription drugs. Each contractor and subcontractor dispensing or administering these drugs must maintain and produce records documenting the dispensing or administration. Records that are required to be maintained include, but are not limited to, a perpetual inventory itemizing drugs received and drugs dispensed by prescription number or administered by patient identifier, which must be submitted to the agency or entity quarterly.

~~e.f.~~ The contract provider or subcontractor may administer or dispense the prescription drugs only to the eligible patients of the agency or entity or must return the prescription drugs for or to the agency or entity. The contract provider or subcontractor must require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the agency or entity and must, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required under subparagraph ~~d.~~ d.e.

~~f.g.~~ In addition to the departmental inspection authority set forth in s. 499.051, the establishment of the contract provider and subcontractor and all records pertaining to prescription drugs subject to this subparagraph shall be subject to inspection by the agency or entity. All records relating to prescription drugs of a manufacturer under this subparagraph shall be subject to audit by the manufacturer of those drugs, without identifying individual patient information.

#### TITLE AMENDMENT

Remove line 63 and insert:

to the Governor and Legislature; amending s. 499.003, F.S.; defining the term "medical convenience kit" for purposes of pt. I of ch. 499, F.S.; conforming cross-references; amending s. 499.01, F.S.;

Rep. Patronis moved the adoption of the amendment, which was adopted.

On motion by Rep. Patronis, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Patronis offered the following:

(Amendment Bar Code: 790509)

**Amendment 3**—Remove lines 1255-1264 and insert:

(i) The wholesale distribution of prescription drugs within a medical convenience kit if:

1. The medical convenience kit is assembled in an establishment that is registered with the United States Food and Drug Administration as a medical device manufacturer;

2. The medical convenience kit manufacturer is an authorized distributor of record, as defined by 21 C.F.R. s. 203.3, for the manufacturer of the specific drugs contained within the kit; and

3. The drugs contained in the medical convenience kit are:

a. Intravenous solutions intended for the replenishment of fluids and electrolytes;

b. Products intended to maintain the equilibrium of water and minerals in the body;

c. Products intended for irrigation or reconstitution;

d. Anesthetics; or

e. Anticoagulants.

This paragraph does not apply to a medical convenience kit containing any controlled substance that appears in any schedule contained in or subject to chapter 893 or the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

Rep. Patronis moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 225** was temporarily postponed.

**CS/HB 491**—A bill to be entitled An act relating to teaching nursing homes; amending s. 430.80, F.S.; revising the term "teaching nursing home" as it relates to the implementation of a teaching nursing home pilot project; revising the requirements to be designated as a teaching nursing home; amending s. 400.141, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 1337**—A bill to be entitled An act relating to nursing; amending s. 456.014, F.S.; authorizing the disclosure of certain confidential information required of nursing license applicants to certain persons; amending s. 464.003, F.S.; providing and revising definitions; amending s. 464.008, F.S.; revising requirements for graduation from certain nursing education programs for nursing license applicants seeking to take the licensing examination; amending s. 464.015, F.S.; revising restrictions on nursing graduates who may use certain titles and abbreviations; amending s. 464.019, F.S.; revising requirements for the approval of nursing education programs by the Board of Nursing, including application requirements and procedures for the review and approval or denial of applications; revising requirements for the approval of nursing education programs meeting certain requirements before a specified date; providing for retroactive application; revising requirements for the submission of annual reports by approved programs; revising requirements for the information published on the board's Internet website; revising accountability requirements for an approved program's graduate passage rates on a certain licensing examination; revising procedures for placing programs on, and removing such programs, from probationary status; requiring termination of programs under certain circumstances; requiring certain representatives of programs that fail to submit annual reports to appear before the board; requiring the Department of Health to disclose certain confidential information about a program's graduates to the program director under certain circumstances; requiring program directors to maintain the confidentiality of such information; providing penalties for unlawful disclosure of confidential information; revising requirements for the closure of programs; revising the board's

authority to adopt rules; exempting accredited programs from specified requirements; providing requirements for an accredited program that ceases to be accredited; conforming provisions; deleting obsolete provisions; revising requirements for the Florida Center for Nursing's evaluation of the board's implementation of certain accountability provisions; conforming cross-references; amending s. 464.022, F.S.; conforming provisions; amending ss. 458.348, 459.025, 464.012, and 960.28, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Representative Grimsley offered the following:

(Amendment Bar Code: 001149)

**Amendment 1 (with title amendment)**—Between lines 759 and 760, insert:

(c) For any state fiscal year in which the Florida Center for Nursing does not receive legislative appropriations, the education policy area of the Office of Program Policy Analysis and Government Accountability shall perform the duties assigned by this subsection to the Florida Center for Nursing.

#### TITLE AMENDMENT

Remove line 42 and insert:

accountability provisions; providing for the performance of certain duties of the Florida Center for Nursing by the Office of Program Policy Analysis and Government Accountability under certain circumstances; conforming cross-references;

Rep. Grimsley moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 509**—A bill to be entitled An act relating to blood establishments; amending s. 381.06014, F.S.; prohibiting a local government from restricting access to or use of public facilities or infrastructure for the collection of blood or blood components from volunteer donors based on certain criteria; prohibiting blood establishments from determining the price of blood or blood components based on certain criteria; amending s. 499.003, F.S.; revising the definition of the term "wholesale distribution" to exclude certain drugs and products distributed by blood establishments; amending s. 499.01, F.S.; excluding certain blood establishments from the requirement to obtain a prescription drug manufacturer permit; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 911**—A bill to be entitled An act relating to electronic health information; amending s. 408.05, F.S.; removing a statement of legislative intent; removing certain restrictions on the use of certain funds and fees received by the Florida Center for Health Information and Policy Analysis; requiring the State Consumer Health Information and Policy Advisory Council to develop the Agency for Health Care Administration's strategic plan relating to electronic health records; amending s. 408.051, F.S.; defining the term "agency"; creating s. 408.0514, F.S.; requiring the agency to coordinate with regional extension centers to implement the use of electronic health records; amending s. 408.061, F.S.; deleting a reference to an administrative rule relating to certain data reported by health care facilities; amending s. 408.0611, F.S.; revising provisions relating to a clearinghouse on information on electronic prescribing; requiring the State Consumer Health Information and Policy Advisory Council or a workgroup representing electronic prescribing and other health information technology stakeholders to participate in quarterly meetings on the implementation of electronic prescribing; requiring the agency to provide a report on the agency's Internet website; amending s. 408.062, F.S.; requiring the agency to post certain information on health care expenditures on the agency's Internet

website; amending s. 408.063, F.S.; deleting the requirement that the agency annually publish a report on state health expenditures; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 573**—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; deleting requirements that physician assistants file evidence of certain clinical experience before prescribing or dispensing medication; authorizing the electronic submission of physician assistant license applications and other required documentation; amending ss. 458.348 and 459.025, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/CS/HB 1143** was temporarily postponed.

**HB 1179**—A bill to be entitled An act relating to electronic documents recorded in the official records; amending s. 695.27, F.S.; providing for the inclusion of an additional statute in the Uniform Real Property Electronic Recording Act; delaying termination of the Electronic Recording Advisory Committee; creating s. 695.28, F.S.; declaring that certain electronic documents accepted for recordation are deemed validly recorded; providing intent to clarify existing law; providing for retroactive application; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 1505**—A bill to be entitled An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; revising student eligibility requirements for participation in the scholarship program; authorizing students who are eligible to enter kindergarten to receive a John M. McKay Scholarship; providing eligibility requirements for a student identified with a developmental delay; authorizing students who were enrolled and reported by a school district for funding during any prior year Florida Education Finance Program surveys to receive a John M. McKay Scholarship; defining the term "owner or operator"; authorizing the Commissioner of Education to deny, suspend, or revoke a private school's participation in the scholarship program for certain acts or omissions by an owner or operator of the private school; conforming cross-references; permitting students to receive instruction and services from a private school at a site other than the physical location of the private school under specified conditions; amending s. 1002.20, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

#### THE SPEAKER PRO TEMPORE IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 341**—A bill to be entitled An act relating to the H. Lee Moffitt Cancer Center and Research Institute; amending s. 1004.43, F.S.; revising provisions relating to the establishment of the institute and specifying primary responsibilities of the institute; conforming provisions relating to the agreement by the Board of Governors and the not-for-profit corporation for the use of facilities on the campus of the University of South Florida; specifying that the not-for-profit corporation and its not-for-profit subsidiaries shall conclusively act as instrumentalities of the state for purposes of sovereign immunity; authorizing the use of land, facilities, and personnel for teaching and research programs conducted by state universities; revising provisions relating to the control and sharing of certain income; providing an effective date.

—was read the second time by title. On motion by Rep. Coley, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 824

Representative Reagan in the Chair.

Yeas—110

Abruzzo	Fitzgerald	Llorente	Rouson
Adams	Flores	Long	Sachs
Adkins	Ford	Lopez-Cantera	Sands
Ambler	Fresen	Mayfield	Saunders
Anderson	Frishe	McBurney	Schenck
Aubuchon	Gaetz	Murzin	Schultz
Bembry	Galvano	Nehr	Schwartz
Bernard	Garcia	Nelson	Skidmore
Bogdanoff	Gibbons	O'Toole	Snyder
Bovo	Gibson	Pafford	Soto
Boyd	Glorioso	Patronis	Stargel
Brandenburg	Gonzalez	Patterson	Steinberg
Braynon	Grady	Plakon	Taylor
Brisé	Grimsley	Planas	Thompson, G.
Bullard	Hasner	Porth	Thompson, N.
Burgin	Hays	Precourt	Thurston
Cannon	Heller	Proctor	Tobia
Carroll	Holder	Rader	Van Zant
Chestnut	Homan	Randolph	Waldman
Clarke-Reed	Hooper	Ray	Weatherford
Coley	Horner	Reagan	Weinstein
Crisafulli	Hudson	Reed	Williams, A.
Cruz	Jenne	Renuart	Williams, T.
Domino	Jones	Rivera	Wood
Dorworth	Kelly	Robaina	Workman
Drake	Kiar	Roberson, K.	Zapata
Eisnaugle	Kreegel	Roberson, Y.	
Evers	Kriseman	Rogers	

Nays—None

Votes after roll call:

Yeas—Fetterman, McKeel, Poppell, Rehwinkel Vasilinda

So the bill passed and was immediately certified to the Senate.

**HB 7219** was temporarily postponed.

**HB 1581**—A bill to be entitled An act relating to Florida Atlantic University; authorizing a doctor of medicine degree program at Florida Atlantic University; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 885**—A bill to be entitled An act relating to life insurance; creating s. 627.4605, F.S.; specifying nonapplication of a required notice to a current insurer of a policy replacement under certain circumstances; amending s. 627.464, F.S.; providing a limitation on the resale of certain annuities to third parties; amending s. 627.552, F.S.; prohibiting the creating or permitting of certain classes of employees for group health insurance policy purposes; preserving an employer's authority to require certain plan participation as a condition of employment; amending s. 627.5575, F.S.; revising the limitation on the amount of insurance for spouses of dependent children of employees of members under a group life insurance policy; providing an effective date.

—was read the second time by title.

#### THE SPEAKER IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 1253**—A bill to be entitled An act relating to continuing care facilities; amending s. 651.011, F.S.; revising definitions relating to ch. 651, F.S.; amending s. 651.012, F.S.; conforming cross-references; amending s. 651.022, F.S.; increasing the threshold amount for businesses that must be identified in an application for a provisional certificate of authority; adding wait-list contracts to the forms that must be submitted with the application; amending s. 651.0235, F.S.; conforming provisions to changes made by the act; amending s. 651.026, F.S.; revising the financial information that must be submitted annually for each certified facility; requiring the annual report to reflect any changes in accounting principle terminology; amending s. 651.033, F.S.; authorizing a provider to assess a separate, nonrefundable fee for processing an application for continuing care; amending s. 651.035, F.S.; clarifying that the amounts maintained in escrow relating to taxes refer to property taxes; deleting an obsolete provision; amending s. 651.055, F.S.; providing that a resident is deemed to be occupying a unit upon the payment of certain fees; providing a timeframe for rescinding a contract; increasing the application processing fee; conforming provisions to changes made by the act; amending s. 651.081, F.S.; renaming residents' organizations as residents' councils; requiring the provider to provide a newly elected chair of a council with a copy of ch. 651, F.S., and related rules; amending s. 651.083, F.S.; clarifying that a resident has a right to receive residents' council memos and announcements; prohibiting a provider from restricting a resident's access to the council; amending s. 651.085, F.S.; requiring the provider to provide the reasons for increasing the maintenance fee to the chair of the residents' council; allowing a designated representative to represent the provider at meetings; amending s. 651.091, F.S.; specifying that a management company or operator is an agent of the provider for the purposes of disclosing certain information to residents; expanding the list of items that must be provided to the chair of the residents' council; requiring the provider to provide a copy of s. 651.071, F.S., relating to receivership or liquidation, to all prospective residents; amending s. 651.105, F.S.; increasing the amount of time that the Office of Insurance Regulation has to inspect a facility; requiring the office to determine if all disclosures have been made to the chair of the residents' council; amending ss. 651.114 and 651.1151, F.S.; conforming provisions to changes made by the act; amending s. 651.121, F.S.; conforming provisions to changes made by the act; requiring the chair of the Continuing Care Advisory Council to report the council's findings and recommendations to the Governor and the Commissioner of Insurance Regulation; requiring the office to provide certain information to the council; repealing s. 651.133, F.S., relating to provisional certificates under prior law; amending s. 628.4615, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Rep. Proctor moved that a late-filed amendment be allowed for consideration.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 825].

Subsequently, the amendment was withdrawn.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/CS/HB 447**—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; extending a repeal date for an exemption of medical malpractice insurance premiums from emergency assessments; amending s. 624.407, F.S.; specifying an additional surplus requirement for certain domestic insurers; amending s. 624.408, F.S.; specifying an additional surplus requirement for certain domestic insurers; deleting obsolete surplus requirement provisions; amending s. 626.7452, F.S.; deleting an exception to a provision allowing examination of a managing general agent; amending s. 627.0613, F.S.; revising annual reporting requirements for the consumer advocate; providing a definition; amending s. 627.062, F.S.; requiring that the Office of Insurance Regulation issue an approval rather than a notice of

intent to approve following its approval of a file and use filing; prohibiting the office from, directly or indirectly, prohibiting an insurer from paying acquisition costs based on the full amount of the premium; prohibiting the office from, directly or indirectly, impeding or compromising the right of an insurer to acquire policyholders, advertise or appoint agents, or regulate agent commissions; requiring the office to publish an annual information memorandum establishing certain inflation trend factors for certain purposes; specifying factor criteria; authorizing an insurer to make a rate filing limited to changes in the cost of reinsurance, the costs of financing products used as a replacement for reinsurance, or changes in an inflation trend factor published annually by the office; authorizing certain insurers to use a rate different from otherwise applicable filed rates; requiring such rates to be filed with the office as a separate filing; providing requirements and limitations for such separate filings; prohibiting the consideration of certain policies when making a specified calculation; preserving the authority of the office to disapprove rates as inadequate or disapprove a rate filing for using certain rating factors; authorizing the office to direct an insurer to make a specified type of rate filing under certain circumstances; providing construction relating to certifications; prohibiting the requirement of a new certification upon an insurer providing certain additional information; specifying nonapplication to certain filings; amending s. 627.0621, F.S.; revising provisions relating to transparency in rate regulation; amending s. 627.0629, F.S.; revising legislative intent relating to residential property insurance rate filings; deleting a requirement that the office develop and make available a method for insurers to establish discounts, credits, or rate differentials for certain hurricane mitigation measures; revising restrictions relating to including the cost of reinsurance for certain purposes; requiring the office to contract with a private entity to develop a comprehensive consumer information program; specifying program criteria; requiring the office to conduct a cost benefit analysis on a program implementation plan; requiring review and approval by the Financial Services Commission; amending s. 627.351, F.S.; providing requirements for attachment and payment of the Citizens policyholder surcharge; prohibiting the corporation from levying certain regular assessments until after levying the full amount of a Citizens policyholder surcharge; providing that certain members of Citizens Property Insurance Corporation's board of governors are within the scope of an exemption from certain conflict of interest provisions for public officers; requiring the corporation's plan of operation to require agents to obtain an acknowledgement of potential surcharge and assessment liability from applicants and policyholders; requiring the corporation to permanently retain a copy of such acknowledgments; specifying that the acknowledgement creates a conclusive presumption of understanding and acceptance by the policyholder; prohibiting votes on certain measures by board members; specifying vote criteria; providing disclosure requirements; deleting an obsolete legislative intent provision; amending s. 627.4133, F.S.; authorizing an insurer to cancel or nonrenew property insurance policies under certain circumstances; specifying duties of the office; requiring certain notice; creating s. 627.41341, F.S.; specifying requirements for a notice of change in policy terms; providing definitions; authorizing policy renewals to contain a change in policy terms; specifying notice requirements; providing procedural requirements; providing intent; amending s. 627.7011, F.S.; revising requirements and procedures under homeowners' insurance policies for replacement cost coverage of a dwelling and personal property; providing criteria for initial and subsequent replacement cost payments by an insurer; deleting obsolete time references; amending s. 627.70131, F.S.; specifying application of certain time periods to initial or supplemental property insurance claim notices and payments; creating s. 627.7031, F.S.; authorizing certain insurers to offer or renew policies at rates established under certain circumstances; prohibiting certain insurers from purchasing TICL option coverage from the Florida Hurricane Catastrophe Fund under certain circumstances; requiring that certain policies contain a specified rate notice; requiring insurers to offer applicants or insureds an estimate of the premium for a policy from Citizens Property Insurance Corporation reflecting similar coverage, limits, and deductibles; requiring applicants or insureds to provide a signed premium comparison acknowledgement; specifying criteria for insurer compliance with certain requirements; specifying acknowledgement contents; requiring insurers and agents to retain a copy of the

acknowledgement for a specified time; specifying a presumption created by a signed acknowledgement; specifying types of residential property insurance policies that are not eligible for certain rates or subject to other requirements; requiring written notice of certain nonrenewals; preserving insurer authority to cancel policies; specifying a criterion for what constitutes an offer to renew a policy; amending s. 627.707, F.S.; revising standards for investigation of sinkhole claims by insurers; specifying requirements for contracts for repairs to prevent additional damage to buildings or structures; providing application; amending s. 627.7072, F.S.; specifying requirements for tests performed by professional engineers and professional geologists for certain purposes; providing application; amending s. 627.7073, F.S.; revising requirements for sinkhole reports; providing application; amending s. 627.7074, F.S.; revising requirements and procedures for an alternative procedure for resolution of disputed sinkhole insurance claims; providing a definition; providing criteria and procedures for disqualification of neutral evaluators; providing requirements and procedures for neutral evaluators to enlist assistance from other professionals under certain circumstances; providing application; amending s. 627.711, F.S.; deleting a provision for a uniform mitigation verification form to be certified by the Department of Financial Services; revising persons authorized to sign a uniform mitigation verification form; authorizing an insurer to accept a mitigation verification form from certain other persons; providing personal inspection requirements; prohibiting misconduct in performing hurricane mitigation inspections or completing mitigation verification forms; specifying criteria for misconduct; authorizing certain licensing boards to commence disciplinary proceedings and impose administrative fines and sanctions for certain violations; requiring insurers, persons, or other entities obtaining evidence of fraud or making false statements to report to the Division of Insurance Fraud; specifying immunity from liability for making such a report; providing duties and responsibilities of the division; specifying a required notice for insurance policies issued or renewed in this state; providing notice requirements; repealing s. 627.7065, F.S., relating to database of information relating to sinkholes, the Department of Financial Services, and the Department of Environmental Protection; providing effective dates.

—was read the second time by title.

Consideration of **CS/CS/HB 447** was temporarily postponed.

### **Recessed**

The House recessed at 11:45 a.m., to reconvene at 2:30 p.m.

### **Reconvened**

The House was called to order by the Speaker at 2:30 p.m. A quorum was present [Session Vote Sequence: 826].

**CS/CS/HB 447**—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; extending a repeal date for an exemption of medical malpractice insurance premiums from emergency assessments; amending s. 624.407, F.S.; specifying an additional surplus requirement for certain domestic insurers; amending s. 624.408, F.S.; specifying an additional surplus requirement for certain domestic insurers; deleting obsolete surplus requirement provisions; amending s. 626.7452, F.S.; deleting an exception to a provision allowing examination of a managing general agent; amending s. 627.0613, F.S.; revising annual reporting requirements for the consumer advocate; providing a definition; amending s. 627.062, F.S.; requiring that the Office of Insurance Regulation issue an approval rather than a notice of intent to approve following its approval of a file and use filing; prohibiting the office from, directly or indirectly, prohibiting an insurer from paying acquisition costs based on the full amount of the premium; prohibiting the office from, directly or indirectly, impeding or compromising the right of an insurer to acquire policyholders, advertise or appoint agents, or regulate agent commissions; requiring the office to publish an annual information memorandum establishing certain inflation trend factors for certain purposes; specifying factor criteria; authorizing an insurer to make a rate filing limited to changes in the cost of reinsurance, the costs of financing products used as a

replacement for reinsurance, or changes in an inflation trend factor published annually by the office; authorizing certain insurers to use a rate different from otherwise applicable filed rates; requiring such rates to be filed with the office as a separate filing; providing requirements and limitations for such separate filings; prohibiting the consideration of certain policies when making a specified calculation; preserving the authority of the office to disapprove rates as inadequate or disapprove a rate filing for using certain rating factors; authorizing the office to direct an insurer to make a specified type of rate filing under certain circumstances; providing construction relating to certifications; prohibiting the requirement of a new certification upon an insurer providing certain additional information; specifying nonapplication to certain filings; amending s. 627.0621, F.S.; revising provisions relating to transparency in rate regulation; amending s. 627.0629, F.S.; revising legislative intent relating to residential property insurance rate filings; deleting a requirement that the office develop and make available a method for insurers to establish discounts, credits, or rate differentials for certain hurricane mitigation measures; revising restrictions relating to including the cost of reinsurance for certain purposes; requiring the office to contract with a private entity to develop a comprehensive consumer information program; specifying program criteria; requiring the office to conduct a cost benefit analysis on a program implementation plan; requiring review and approval by the Financial Services Commission; amending s. 627.351, F.S.; providing requirements for attachment and payment of the Citizens policyholder surcharge; prohibiting the corporation from levying certain regular assessments until after levying the full amount of a Citizens policyholder surcharge; providing that certain members of Citizens Property Insurance Corporation's board of governors are within the scope of an exemption from certain conflict of interest provisions for public officers; requiring the corporation's plan of operation to require agents to obtain an acknowledgement of potential surcharge and assessment liability from applicants and policyholders; requiring the corporation to permanently retain a copy of such acknowledgments; specifying that the acknowledgement creates a conclusive presumption of understanding and acceptance by the policyholder; prohibiting votes on certain measures by board members; specifying vote criteria; providing disclosure requirements; deleting an obsolete legislative intent provision; amending s. 627.4133, F.S.; authorizing an insurer to cancel or nonrenew property insurance policies under certain circumstances; specifying duties of the office; requiring certain notice; creating s. 627.41341, F.S.; specifying requirements for a notice of change in policy terms; providing definitions; authorizing policy renewals to contain a change in policy terms; specifying notice requirements; providing procedural requirements; providing intent; amending s. 627.7011, F.S.; revising requirements and procedures under homeowners' insurance policies for replacement cost coverage of a dwelling and personal property; providing criteria for initial and subsequent replacement cost payments by an insurer; deleting obsolete time references; amending s. 627.70131, F.S.; specifying application of certain time periods to initial or supplemental property insurance claim notices and payments; creating s. 627.7031, F.S.; authorizing certain insurers to offer or renew policies at rates established under certain circumstances; prohibiting certain insurers from purchasing TICL option coverage from the Florida Hurricane Catastrophe Fund under certain circumstances; requiring that certain policies contain a specified rate notice; requiring insurers to offer applicants or insureds an estimate of the premium for a policy from Citizens Property Insurance Corporation reflecting similar coverage, limits, and deductibles; requiring applicants or insureds to provide a signed premium comparison acknowledgement; specifying criteria for insurer compliance with certain requirements; specifying acknowledgement contents; requiring insurers and agents to retain a copy of the acknowledgement for a specified time; specifying a presumption created by a signed acknowledgement; specifying types of residential property insurance policies that are not eligible for certain rates or subject to other requirements; requiring written notice of certain nonrenewals; preserving insurer authority to cancel policies; specifying a criterion for what constitutes an offer to renew a policy; amending s. 627.707, F.S.; revising standards for investigation of sinkhole claims by insurers; specifying requirements for contracts for repairs to prevent additional damage to buildings or structures; providing application; amending s. 627.7072, F.S.; specifying requirements for tests performed by

professional engineers and professional geologists for certain purposes; providing application; amending s. 627.7073, F.S.; revising requirements for sinkhole reports; providing application; amending s. 627.7074, F.S.; revising requirements and procedures for an alternative procedure for resolution of disputed sinkhole insurance claims; providing a definition; providing criteria and procedures for disqualification of neutral evaluators; providing requirements and procedures for neutral evaluators to enlist assistance from other professionals under certain circumstances; providing application; amending s. 627.711, F.S.; deleting a provision for a uniform mitigation verification form to be certified by the Department of Financial Services; revising persons authorized to sign a uniform mitigation verification form; authorizing an insurer to accept a mitigation verification form from certain other persons; providing personal inspection requirements; prohibiting misconduct in performing hurricane mitigation inspections or completing mitigation verification forms; specifying criteria for misconduct; authorizing certain licensing boards to commence disciplinary proceedings and impose administrative fines and sanctions for certain violations; requiring insurers, persons, or other entities obtaining evidence of fraud or making false statements to report to the Division of Insurance Fraud; specifying immunity from liability for making such a report; providing duties and responsibilities of the division; specifying a required notice for insurance policies issued or renewed in this state; providing notice requirements; repealing s. 627.7065, F.S., relating to database of information relating to sinkholes, the Department of Financial Services, and the Department of Environmental Protection; providing effective dates.

—was taken up, having been read the second time and temporarily postponed earlier today.

Representative Nelson offered the following:

(Amendment Bar Code: 455231)

**Amendment 1**—Remove lines 390-396 and insert:

(b) For purposes of this subsection, the term "valid consumer complaint" means a written communication, or an oral communication that is subsequently converted to a written form, from a consumer that expresses dissatisfaction involving a personal residential insurance policy with a specific personal residential property insurer. However, a valid complaint will not arise when in the disposition thereof by the department the insurer or agent position is upheld, the policy provision is upheld, the coverage is explained, additional information is provided, the complaint is withdrawn, the complaint is referred outside the department, or when an inquiry has missing or insufficient information, is not within the jurisdiction of the department, or requests mediation of a claim that is not eligible for mediation.

Rep. Nelson moved the adoption of the amendment, which was adopted.

Representative Nelson offered the following:

(Amendment Bar Code: 983881)

**Amendment 2**—Remove lines 573-574 and insert:  
pursuant to a formal or informal request from the office.

Rep. Nelson moved the adoption of the amendment, which was adopted.

Representative Hays offered the following:

(Amendment Bar Code: 744401)

**Amendment 3 (with directory and title amendments)**—Between lines 1608 and 1609, insert:

(n)1. Rates for coverage provided by the corporation shall be actuarially sound and subject to the requirements of s. 627.062, except as otherwise provided in this paragraph. The corporation shall file its recommended rates with the office at least annually. The corporation shall provide any additional information regarding the rates which the office requires. The office shall

consider the recommendations of the board and issue a final order establishing the rates for the corporation within 45 days after the recommended rates are filed. The corporation may not pursue an administrative challenge or judicial review of the final order of the office.

2. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

3. After the public hurricane loss-projection model under s. 627.06281 has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology, that model shall serve as the minimum benchmark for determining the windstorm portion of the corporation's rates. This subparagraph does not require or allow the corporation to adopt rates lower than the rates otherwise required or allowed by this paragraph.

4. The rate filings for the corporation which were approved by the office and which took effect January 1, 2007, are rescinded, except for those rates that were lowered. As soon as possible, the corporation shall begin using the lower rates that were in effect on December 31, 2006, and shall provide refunds to policyholders who have paid higher rates as a result of that rate filing. The rates in effect on December 31, 2006, shall remain in effect for the 2007 and 2008 calendar years except for any rate change that results in a lower rate. The next rate change that may increase rates shall take effect pursuant to a new rate filing recommended by the corporation and established by the office, subject to the requirements of this paragraph.

~~5. Beginning on July 15, 2009, and each year thereafter, the corporation must make a recommended actuarially sound rate filing for each personal and commercial line of business it writes, to be effective no earlier than January 1, 2010.~~

~~5.6. Beginning on or after January 1, 2011 2010, and notwithstanding the board's recommended rates and the office's final order regarding the corporation's filed rates under subparagraph 1., the corporation shall implement a rate increase each year that equals which does not exceed 10 percent for each any single policy issued by the corporation, excluding coverage changes and surcharges. Rate increases under this subparagraph shall be implemented until the corporation is financially sound. As used in this subparagraph, the term "financially sound" means that the corporation's reserves, reinsurance, and any other available funding source are sufficient to pay all claims and expenses of the corporation reasonably expected to result from a 100-year probable maximum loss event without resort to any Citizens policyholder surcharge, regular assessment, emergency assessment, long-term debt, state revenue, or other funding source.~~

~~6.7. The corporation may also implement an increase to reflect the effect on the corporation of the cash buildup factor pursuant to s. 215.555(5)(b).~~

~~8. The corporation's implementation of rates as prescribed in subparagraph 6. shall cease for any line of business written by the corporation upon the corporation's implementation of actuarially sound rates. Thereafter, the corporation shall annually make a recommended actuarially sound rate filing for each commercial and personal line of business the corporation writes.~~

#### DIRECTORY AMENDMENT

Remove line 746 and insert:

Section 9. Paragraphs (b), (c), (d), (n), (y), (z), (aa), (bb),

#### TITLE AMENDMENT

Remove line 76 and insert:

requirements; revising requirements that rates for coverage by the corporation be actuarially sound; requiring the corporation's rates to increase each year by a specified percentage; providing a definition; deleting an obsolete legislative intent

Rep. Hays moved the adoption of the amendment. Subsequently, **Amendment 3** was withdrawn.

Representative Nelson offered the following:

(Amendment Bar Code: 175073)

**Amendment 4 (with title amendment)**—Between lines 1756 and 1757, insert:

Section 10. The Division of Statutory Revision is directed to prepare a reviser's bill for introduction at the next regular session of the Legislature to change the term "high-risk account" to "coastal account."

#### TITLE AMENDMENT

Remove line 77 and insert:

provision; providing a directive to the Division of Statutory Revision; amending s. 627.4133, F.S.; authorizing an

Rep. Nelson moved the adoption of the amendment.

On motion by Rep. Nelson, by the required two-thirds vote, the House agreed to consider the following late-filed substitute amendment.

Representative Nelson offered the following:

(Amendment Bar Code: 195987)

**Substitute Amendment 4 (with title amendment)**—Between lines 1756 and 1757, insert:

Section 10. The Division of Statutory Revision shall prepare a reviser's bill for introduction at the next regular session of the Legislature to change the term "high-risk account" to "coastal account" in s. 627.351(6), Florida Statutes.

#### TITLE AMENDMENT

Remove line 77 and insert:

provision; requiring the Division of Statutory Revision to prepare a reviser's bill for the next regular session of the Legislature to revise certain terminology; amending s. 627.4133, F.S.; authorizing an

Rep. Nelson moved the adoption of the substitute amendment, which was adopted.

Rep. Proctor moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

#### Remarks

The Speaker recognized Rep. Zapata, who made brief farewell remarks.

On motion by Rep. Galvano, the House agreed to advance to the order of business of—

#### House Resolutions

Rep. Proctor moved to read HR 9063 the second time by title. The motion was agreed to.

**HR 9063**—A resolution recognizing April 2010 as "Sexual Assault Awareness Month" in Florida.

WHEREAS, sexual assault continues to be a major social crisis in our society, with one in nine women in Florida being a survivor of sexual violence, and

WHEREAS, sexual assault affects many Floridians, either directly, as the survivor of sexual assault, or indirectly, as a family member, friend, neighbor, or coworker of the survivor, and

WHEREAS, sexual assault has a devastating effect on survivors, affecting every aspect of their lives, often leading to posttraumatic stress disorder and increasing the risk of depression, suicide, homelessness, and substance abuse, and

WHEREAS, volunteers and service providers in Florida's 30 certified rape crisis centers work to provide a continuum of care to sexual assault survivors through 24-hour hotlines, counseling, support groups, advocacy, medical care, and education, and

WHEREAS, the Florida Council Against Sexual Violence seeks to improve services for survivors of sexual assault and to prevent future sexual assault through public awareness and services for victims, and

WHEREAS, Lauren's Kids, Inc., the organization founded by child sexual abuse survivor and educator Lauren Book-Lim, in conjunction with the Florida Council Against Sexual Violence, has organized a 500-mile, healing-journey walk across Florida called "Walk In My Shoes," which symbolizes the long and painful road to recovery for survivors of sexual assault, and

WHEREAS, this "Walk In My Shoes" walk from Aventura to Tallahassee will help provide awareness, guidance, and support for survivors while also working to educate adults and children about sexual assault, including the message that it is acceptable to tell others about abuse that they have experienced, and

WHEREAS, the Florida House of Representatives recognizes the vital importance of designating a time devoted to increasing public awareness and support of agencies providing services to sexual assault survivors, and envisions a future in which all communities are free of sexual violence, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That April 2010 is recognized as "Sexual Assault Awareness Month" in Florida.

BE IT FURTHER RESOLVED that copies of this resolution be presented to the Florida Council Against Sexual Violence and Lauren's Kids, Inc., as a tangible token of the sentiments expressed herein.

—was read the second time by title and adopted.

On motion by Rep. Proctor, the board was opened [Session Vote Sequence: 827] and the following members were recorded as cosponsors of the resolution, along with Rep. Proctor: Reps. Abruzzo, Adams, Adkins, Ambler, Anderson, Aubuchon, Bemby, Bernard, Bogdanoff, Bovo, Boyd, Brandenburg, Braynon, Brisé, Bullard, Burgin, Cannon, Carroll, Chestnut, Clarke-Reed, Coley, Cretul, Crisafulli, Cruz, Domino, Dorworth, Drake, Eisnagle, Evers, Fetterman, Fitzgerald, Flores, Ford, Fresen, Frishe, Gaetz, Galvano, Garcia, Gibbons, Gibson, Glorioso, Gonzalez, Grady, Grimsley, Hasner, Hays, Heller, Holder, Homan, Hooper, Horner, Hudson, Jenne, Jones, Kelly, Kiar, Kreegel, Kriseman, Legg, Llorente, Long, Lopez-Cantera, Mayfield, McBurney, Murzin, Nehr, Nelson, O'Toole, Pafford, Patronis, Patterson, Plakon, Planas, Poppell, Porth, Precourt, Rader, Randolph, Ray, Reagan, Reed, Rehwinkel Vasilinda, Renuart, Rivera, Robaina, K. Roberson, Y. Roberson, Rogers, Rouson, Sachs, Sands, Saunders, Schenck, Schultz, Schwartz, Skidmore, Snyder, Soto, Stargel, Steinberg, Taylor, G. Thompson, N. Thompson, Thurston, Tobia, Troutman, Van Zant, Waldman, Weatherford, Weinstein, A. Williams, T. Williams, Wood, Workman, and Zapata.

On motion by Rep. Galvano, the House returned to the order of—

#### Special Orders

**HB 661**—A bill to be entitled An act relating to minimum surplus requirements for mortgage guaranty insurers; amending s. 635.042, F.S.; authorizing the Commissioner of Insurance Regulation to permit a temporary exception to certain requirements under certain circumstances; revising authority of the Office of Insurance Regulation to take action against a

noncomplying insurer under certain circumstances; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 787**—A bill to be entitled An act relating to child abduction prevention; providing a short title; amending s. 61.45, F.S.; authorizing additional persons to move to have certain restrictions placed in parenting plans upon showing of a risk that one party may violate the court's parenting plan by removing a child from this state or country or by concealing the child's whereabouts; authorizing courts to impose certain restrictions in parenting plans upon a specified finding; authorizing a court to impose certain restrictions in addition to or in lieu of a requirement that a child's passport be surrendered; authorizing a court to impose specified restrictions upon entry of an order to prevent removal of a child from this state or country; providing additional factors that may be considered in assessing the risk that a party may violate a parenting plan by removing a child from this state or country or by concealing the child's whereabouts; providing that violations may subject a violator to specified penalties or other consequences; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/HB 765**—A bill to be entitled An act relating to animal protection; amending s. 474.203, F.S.; providing circumstances that render inapplicable certain veterinary licensure exemptions pertaining to part-time and independent contractors; providing circumstances that render inapplicable an exemption for certain employees under supervision; amending s. 500.451, F.S.; prohibiting specified acts relating to horsemeat for human consumption; providing penalties; increasing the classification of offenses related to horsemeat for human consumption; providing for suspension of licenses of certain businesses for offenses related to horsemeat; providing mandatory minimum penalties; amending s. 828.073, F.S.; revising procedures for law enforcement officers and certain animal cruelty prevention agents to file petitions in custody proceedings involving neglected animals; directing county courts to expedite the commencement of such proceedings; exempting animal owners from payment of the care provided for their animals during such proceedings under certain circumstances; revising the period within which written notice of such proceedings must be served; deleting a provision requiring publication of notices of such proceedings under certain circumstances; revising provisions relating to remand of neglected animals directly to the seizing officer or agent for disposition; amending s. 828.125, F.S.; revising provisions prohibiting certain acts relating to horses to apply to all horses regardless of breed; providing mandatory minimum penalties for violations involving horses or certain cattle; providing effective dates.

—was read the second time by title.

Representative Garcia offered the following:

(Amendment Bar Code: 899699)

**Amendment 1 (with title amendment)**—Between lines 33 and 34, insert:

Section 1. This act may be cited as the "Ivonne Rodriguez Horse Protection Act."

#### TITLE AMENDMENT

Remove line 2 and insert:

An act relating to animal protection; providing a short title; amending s. 474.203,

Rep. Garcia moved the adoption of the amendment.

On motion by Rep. Bogdanoff, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative Bogdanoff offered the following:

(Amendment Bar Code: 123643)

**Amendment 1 to Amendment 1**—Remove line 5 and insert:

Section 1. This act may be cited as the "Ivonne Rodriguez and Victoria McCullough

Rep. Bogdanoff moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Representative Abruzzo offered the following:

(Amendment Bar Code: 049739)

**Amendment 2 (with title amendment)**—Remove lines 91-197 and insert: This exemption ~~does shall~~ not apply to ~~unlicensed out-of-state~~ veterinarians practicing temporarily in the state. However, only a veterinarian may immunize or treat an animal for diseases ~~that which~~ are communicable to humans and ~~that which~~ are of public health significance.

(b) A person hired on a part-time or temporary basis, or as an independent contractor, by an owner to assist with herd management and animal husbandry tasks for herd and flock animals, including castration, dehorning, parasite control, and debeaking, or a person hired on a part-time or temporary basis, or as an independent contractor, by an owner to provide farriery and manual hand floating of teeth on equines. This exemption does not apply to any person who has been convicted of a violation of chapter 828 that relates to animal cruelty or a similar offense in another jurisdiction.

(6) State agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof, which or who conduct experiments and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment, or techniques for the diagnosis or treatment of human ailments, or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine.

(7) Any veterinary aide, nurse, laboratory technician, preceptor, or other employee of a licensed veterinarian who administers medication or who renders auxiliary or supporting assistance under the responsible supervision of a licensed veterinarian, including those tasks identified by rule of the board requiring immediate supervision. However, the licensed veterinarian ~~is shall be~~ responsible for all such acts performed under this subsection by persons under her or his supervision.

(8) A veterinarian, licensed by and actively practicing veterinary medicine in another state, who is board certified in a specialty recognized by the board and who responds to a request of a veterinarian licensed in this state to assist with the treatment on a specific case of a specific animal or with the treatment on a specific case of the animals of a single owner, as long as the veterinarian licensed in this state requests the other veterinarian's presence. A veterinarian who practices under this subsection is not eligible to apply for a premises permit under s. 474.215.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2), or subsection (4) are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

Section 2. Effective October 1, 2010, section 500.451, Florida Statutes, is amended to read:

500.451 Horse meat; ~~offenses sale for human consumption.~~—

(1) It is unlawful for any person to:



(a) Sell in the markets of this state horse meat for human consumption unless the horse meat is clearly stamped, marked, and described as horse meat for human consumption.

(b) Knowingly transport, distribute, sell, purchase, or possess horsemeat for human consumption that is not clearly stamped, marked, and described as horsemeat for human consumption or horsemeat that is not acquired from a licensed slaughterhouse.

(2) A person that violates this section ~~commits is guilty of a felony misdemeanor~~ of the third ~~second~~ degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084, except that any person who commits a violation of this section shall be sentenced to a minimum mandatory fine of \$3,500 and a minimum mandatory period of incarceration of 1 year.

(3) In addition to any penalties provided in subsection (2), any license of any restaurant, store, or other business may be suspended as provided in the applicable licensing law upon conviction of an owner or employee of that business for a violation of this section in connection with that business.

Section 3. Subsections (2) and (3) and paragraph (c) of subsection (4) of section 828.073, Florida Statutes, are amended to read:

828.073 Animals found in distress; when agent may take charge; hearing; disposition; sale.—

(2) Any law enforcement officer or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under the provisions of s. 828.03 may:

(a) Lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location, or

(b) Order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location,

and shall file a ~~forthwith~~ petition seeking relief under this section in the county court judge of the county in which ~~wherein~~ the animal is found within 10 days after the animal is seized or an order to provide care is issued. The court shall schedule and commence for a hearing on the petition, to be set within 30 days after the petition is filed date of seizure of the animal or issuance of the order to provide care and held not more than 15 days after the setting of such date, to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered thereon within 60 days after the date the hearing is commenced. The Supreme Court shall establish procedures to expedite the commencement of hearings on petitions filed under this subsection. The timeframes set forth

#### TITLE AMENDMENT

Remove lines 3-18 and insert:

F.S.; revising a veterinary licensure exemption pertaining to certain persons practicing temporarily in the state; providing circumstances that render inapplicable a veterinary licensure exemption pertaining to part-time and independent contractors; amending s. 500.451, F.S.; prohibiting specified acts relating to horsemeat for human consumption; providing penalties; increasing the classification of offenses related to horsemeat for human consumption; providing for suspension of licenses of certain businesses for offenses related to horsemeat; providing mandatory minimum penalties; amending s. 828.073, F.S.; revising procedures for law enforcement officers and certain animal cruelty prevention agents to file petitions in custody proceedings involving neglected animals; directing the Supreme Court to establish procedures to expedite the commencement of such proceedings; exempting animal owners

Rep. Abruzzo moved the adoption of the amendment.

Representative Abruzzo offered the following:

(Amendment Bar Code: 214935)

**Amendment 1 to Amendment 2 (with title amendment)**—Remove lines 104-106 and insert:

after the date the hearing is commenced. The timeframes set forth

#### TITLE AMENDMENT

Remove lines 126-127 and insert:

exempting

Rep. Abruzzo moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 2**, as amended, which was adopted.

On motion by Rep. Garcia, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Garcia offered the following:

(Amendment Bar Code: 960727)

**Amendment 3 (with title amendment)**—Between lines 267 and 268, insert:

Section 5. Section 828.28, Florida Statutes, is created to read:

828.28 Local animal licensing ordinances; notices.--

(1) Any county or municipality that has a licensing requirement for dogs must provide notice to dog owners at least 45 days prior to any licensure renewal deadline. The notice must contain information describing the licensing requirements and any associated penalties.

(2) Counties and municipalities with licensing requirements are encouraged to develop online licensing systems to provide a convenient and cost-effective licensing process.

#### TITLE AMENDMENT

Remove line 30 and insert:

horses or certain cattle; creating s. 828.28, F.S.; requiring local governments to provide notice prior to licensing deadlines; encouraging local governments to develop online licensing systems; providing effective dates.

Rep. Garcia moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**HB 923**—A bill to be entitled An act relating to homelessness; amending ss. 320.02, 322.08, and 322.18, F.S.; requiring the motor vehicle registration form and registration renewal form, the driver license application form, and the driver license application form for renewal issuance or renewal extension to include an option to make a voluntary contribution to aid the homeless; providing for such contributions to be deposited into the Grants and Donations Trust Fund of the Department of Children and Family Services and used by the State Office on Homelessness for certain purposes; providing that voluntary contributions for the homeless are not income of a revenue nature for the purpose of applying certain service charges; creating s. 414.161, F.S.; establishing a homelessness prevention grant program; requiring grant applicants to be ranked competitively; providing preference for certain grant applicants; providing eligibility requirements; providing grant limitations and restrictions; requiring lead agencies for local homeless assistance continuums of care to track, monitor, and report on assisted families for a specified period of time; amending s. 420.622, F.S.; limiting the percentage of funding that lead agencies may spend on administrative costs; providing that funding shall be appropriated as a fixed capital outlay item; amending s. 420.625, F.S.; deleting a cross-reference to conform; amending s. 420.6275, F.S.; revising legislative findings relating to the Housing First approach to homelessness; repealing s. 414.16, F.S., relating to the emergency assistance program for families with children that have lost shelter or face loss of shelter due to an emergency; providing an effective date.

—was read the second time by title.

Representative Reed offered the following:

(Amendment Bar Code: 760779)

**Amendment 1 (with directory and title amendments)**—Remove lines 171-184

#### DIRECTORY AMENDMENT

Remove lines 156-157 and insert:  
section 420.622, Florida Statutes, to read:

#### TITLE AMENDMENT

Remove lines 24-25 and insert:  
spend on administrative costs;

Rep. Reed moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

#### Remarks

The Speaker recognized Rep. Hays, who made brief farewell remarks.

**CS/HB 1233**—A bill to be entitled An act relating to educational plant surveys; amending s. 1013.31, F.S.; authorizing an extension to a school district educational plant survey submission deadline; providing restrictions; providing requirements for the submission of a request for an extension to the Department of Education and requiring department approval; providing restrictions on school district construction during the extension period; requiring the State Board of Education to adopt rules; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**CS/CS/HB 1005**—A bill to be entitled An act relating to corrections; amending s. 384.34, F.S.; revising criminal penalties pertaining to sexually transmissible diseases; amending s. 775.0877, F.S.; removing a provision authorizing a court to require an offender convicted of criminal transmission of HIV to serve a term of criminal quarantine community control; amending s. 796.08, F.S., relating to criminal transmission of HIV; conforming a cross-reference; creating s. 800.09, F.S.; defining terms; providing that a person who is detained in a state or private correctional facility may not commit lewd or lascivious exhibition in the presence of an employee who the detainee knows or reasonably should know is an employee; providing criminal penalties; amending s. 921.187, F.S.; removing a reference to criminal quarantine community control to conform to changes made by the act; amending s. 940.061, F.S.; requiring that the Department of Corrections send to the Parole Commission by electronic means a monthly list of the names of inmates released from incarceration and offenders terminated from supervision who may be eligible for restoration of civil rights; repealing s. 944.293, F.S., relating to initiation of the restoration of an inmate's civil rights; amending s. 944.35, F.S.; including employees of private correctional facilities within a statute prohibiting employees from committing certain sexual misconduct with inmates; providing criminal penalties; amending s. 944.605, F.S.; authorizing the Department of Corrections to electronically submit certain information to the sheriff of the county in which the inmate plans to reside and to the chief of police of the municipality where the inmate plans to reside; amending ss. 944.804 and 944.8041, F.S.; requiring the department to establish and operate certain geriatric facilities or dorms at prison institutions; removing provisions requiring the operation of a specified facility; amending s. 945.41, F.S.; deleting a prohibition against the placement of youthful offenders at certain institutions for mental health treatment; amending s. 945.42, F.S.; deleting references to an inmate's refusal of

voluntary placement for purposes of determining the inmate's need for care and treatment; amending s. 945.43, F.S.; clarifying that an inmate is placed in, rather than admitted to, a mental health treatment facility; requiring that a petition for placement be filed in the county in which an inmate is located; authorizing the department to transport the inmate to the location of the hearing on such a placement under certain circumstances; amending s. 945.46, F.S.; providing procedures for the transport of inmates who are mentally ill and who are scheduled to be released from confinement; creating s. 946.42, F.S.; authorizing the department to use inmate labor on private property under certain circumstances; defining terms; repealing s. 948.001(3), F.S., relating to the definition of the term "criminal quarantine community control," to conform to changes made by the act; amending s. 948.03, F.S.; providing additional conditions of probation to be applied to a defendant; deleting certain requirements for possession of a weapon other than a firearm; requiring that a digitized photograph of an offender be part of the offender's record; authorizing the department to display such photographs on its website for a specified period; providing exceptions; amending s. 948.09, F.S.; conforming a cross-reference; amending ss. 948.101 and 948.11, F.S.; deleting provisions related to criminal quarantine community control; amending s. 951.26, F.S.; authorizing each local public safety coordinating council to develop a comprehensive local reentry plan for offenders reentering the community; providing plan requirements; providing an effective date.

—was read the second time by title.

Representative Bogdanoff offered the following:

(Amendment Bar Code: 426071)

**Amendment 1 (with title amendment)**—Between lines 239 and 240, insert:

Section 6. Section 921.1875, Florida Statutes, is created to read:

921.1875 Split sentence conditioned upon satisfaction of substance abuse reentry program.—

(1) DEPARTMENT OF CORRECTIONS TO DEVELOP PROGRAM.—The Department of Corrections shall develop and implement a substance abuse reentry program for inmates.

(a) The substance abuse reentry program shall provide a mechanism by which an eligible, nonviolent offender who has received a conditional split sentence and for whom the substance abuse reentry program has been ordered as part of the sentence may be transferred into the community during the last year of his or her sentence.

(b) The substance abuse reentry program must consist of two parts:

1. A prison-based treatment reentry program for substance abuse disorders for a minimum of 90 days.

2. A community-based substance abuse aftercare treatment program and reentry program.

(c) The prison-based component may be operated in a secure area in or adjacent to an adult institution, a community residential center, or a work release center.

(2) ELIGIBILITY.—There is no right to participate in the substance abuse reentry program. Offenders in the substance abuse reentry program are subject to the same rules of conduct as are other offenders. An offender is eligible for placement in the substance abuse reentry program if all of the following conditions are met:

(a) The offender is a nonviolent felony offender in need of and amenable to substance abuse treatment. As used in this paragraph, the term "nonviolent felony" means a third degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08.

(b) Whether related to the present conviction or a previous conviction, the inmate has not been convicted of or pled guilty or nolo contendere to:

1. A capital, life, or first degree felony;

2. A sexual offense listed in s. 943.0435(1)(a)1.a.(I);

3. A forcible felony offense that is specifically set forth in s. 776.08, except burglary under s. 810.02(4);

4. An offense that was reclassified pursuant to s. 784.07 or s. 775.087;

5. A second or third degree felony offense listed in s. 775.084(1)(c)1.;

6. A violation of s. 827.03(1) or (2);

7. A violation of s. 825.102(1) or (2);

8. A violation of s. 843.01; or

9. Any offense in another jurisdiction that would be an offense described in subparagraphs 1.-8. if that offense had been committed in this state.

(c) The offender otherwise meets the criteria for placement as determined by the department.

(3) JUDICIAL ROLE.—

(a) The sentencing court may, at its discretion and notwithstanding other sentencing laws, order the offender who meets the requirements of subsection (2) to participate in the substance abuse reentry program at the time of sentencing by imposing a conditional split sentence. The court shall consider any statement of the victim in making its decision.

(b) A conditional split sentence ordered pursuant to this section shall consist of a term of imprisonment, the last year of which is suspended and during which year the offender is placed on drug offender probation with specified terms and conditions. The offender may not be placed on drug offender probation unless, with the approval of the department, he or she participates in and completes the prison-based treatment reentry program. The offender must serve at least 85 percent of the incarceration portion of the split sentence before being released to supervision. If the offender does not complete the prison-based treatment reentry program, the last year of the sentence remains part of the term of imprisonment to be served while incarcerated. The offender must serve at least 85 percent of the total term of imprisonment.

(c) The probation order, as part of the original conditional split sentence, shall include:

1. The standard conditions of probation.

2. Drug offender probation conditions ordered by the court.

3. Any other special conditions ordered by the court.

(d) The probation order must also authorize the transfer of the case to the drug court located in the county of the sentencing court, if a drug court exists, upon the offender's release to supervision. If the drug court accepts the case in a written order, the drug court judge shall be deemed to be the sentencing judge for purposes of ensuring compliance with the probation order, revocation of the probation order, and resentencing the offender. If no drug court exists in the county, or if the drug court does not accept the case, the department shall supervise the offender in accordance with the order of probation.

(e) If the offender violates the terms and conditions of the probation order while under supervision, the court may revoke the probation order and return the offender to prison to serve the suspended year of his or her sentence with credit only for any time incarcerated between the date of release to supervision and the date of resentencing. If the offender is returned to prison, the gain-time earned prior to release to supervision is deemed forfeited pursuant to s. 944.28(1), and the offender shall serve that time as well. This paragraph does not deprive the offender of the right to earn additional gain-time, as provided by law, from the date of the offender's return to prison.

(4) DEPARTMENT ROLE.—

(a) The department shall implement the substance abuse reentry program to the fullest extent feasible within the terms of this section and available resources.

(b) The department shall establish the criteria for offenders to participate in the substance abuse reentry program.

(c) If an offender receives a conditional split sentence under subsection (3), the department shall:

1. Determine the offender's eligibility to participate in the substance abuse reentry program. The department shall consider the offender's criminal history, need for substance abuse treatment, and general rehabilitative interests and the potential risk that the offender presents to the public. The department may also consider the operational needs of the department.

2. Place the offender in a prison-based treatment reentry program for substance abuse disorders for a minimum of 90 days.

3. Evaluate the offender's needs for community placement and develop a postrelease treatment plan that includes substance abuse aftercare services and

reentry services, in accordance with the terms and conditions of the probation order.

4. Determine whether the offender has successfully completed the prison-based treatment reentry program.

5. If the offender has successfully completed the prison-based treatment reentry program, release the offender to serve the last year of the conditional split sentence on probation, in accordance with the terms and conditions of the probation order.

(5) CONTRACTORS.—The department may develop and enter into performance-based contracts with qualified individuals, agencies, or corporations to supply any or all services provided in the substance abuse reentry program. Notwithstanding any provision of chapter 287 to the contrary, any contract related to such services shall be procured by competitive solicitation. The department may establish a system of incentives in order to promote participation by private-sector employers in the substance abuse reentry programs and the orderly operation of institutions and facilities.

(6) REPORTING.—

(a) The department shall develop a computerized system to track recidivism and recommitment of offenders who have participated in the substance abuse reentry program. Beginning October 1, 2013, and on October 1 of each year thereafter, the department shall submit an annual report of the results of the collected data to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(b) The Office of Program Policy Analysis and Government Accountability shall review the substance abuse reentry program and report its findings to the President of the Senate and the Speaker of the House of Representatives before the commencement of the 2013 regular legislative session.

(7) RULEMAKING.—The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

## TITLE AMENDMENT

Remove line 17 and insert:

changes made by the act; creating s. 921.1875, F.S.; requiring the Department of Corrections to develop and implement a substance abuse reentry program to provide a mechanism by which an eligible, nonviolent offender who has received a conditional split sentence may be transferred into the community through a transitional process; requiring that the program consist of a prison-based substance abuse treatment reentry program for substance abuse disorders and a community-based substance abuse aftercare treatment and reentry program; providing eligibility criteria; authorizing the sentencing court to sentence an eligible offender to a conditional split sentence; providing for the last year of the prison sentence to be suspended and for the offender to serve the last year on drug offender probation; requiring the offender to serve at least 85 percent of the incarceration portion of the sentence; requiring an offender who does not complete the prison-based treatment reentry program to remain incarcerated; providing for terms and conditions of probation; requiring the probation order to authorize transfer of the offender's case to the drug court in the county where the offender is sentenced, if one exists; providing for supervision by the department if no drug court exists in the county, or if the drug court does not accept the case; requiring a written order documenting acceptance of the offender by the drug court; providing that the drug court judge is deemed to be the sentencing judge; providing for revocation of supervision if the offender violates the terms and conditions of probation; providing for an offender whose probation is revoked to lose accumulated gain-time and to return to prison to complete the sentence; requiring the department to establish criteria for participation in the program; providing the department's responsibilities, including performance-based contracts to supply services to the program; requiring competitive solicitation of contracts; authorizing the department to establish a system of incentives to promote participation by private-sector employers in substance abuse reentry programs; directing the department to develop a computerized system to track recidivism and recommitment of offenders who have participated in the program; requiring a report to the Governor and Legislature; requiring a review and report by the Office of Program Policy

Analysis and Government Accountability; authorizing rulemaking; amending s. 940.061, F.S.;

On motion by Rep. Bogdanoff, consideration of **Amendment 1** was temporarily postponed.

### Remarks

The Speaker recognized Rep. Y. Roberson, who made brief farewell remarks.

**CS/CS/HB 1005**—A bill to be entitled An act relating to corrections; amending s. 384.34, F.S.; revising criminal penalties pertaining to sexually transmissible diseases; amending s. 775.0877, F.S.; removing a provision authorizing a court to require an offender convicted of criminal transmission of HIV to serve a term of criminal quarantine community control; amending s. 796.08, F.S., relating to criminal transmission of HIV; conforming a cross-reference; creating s. 800.09, F.S.; defining terms; providing that a person who is detained in a state or private correctional facility may not commit lewd or lascivious exhibition in the presence of an employee who the detainee knows or reasonably should know is an employee; providing criminal penalties; amending s. 921.187, F.S.; removing a reference to criminal quarantine community control to conform to changes made by the act; amending s. 940.061, F.S.; requiring that the Department of Corrections send to the Parole Commission by electronic means a monthly list of the names of inmates released from incarceration and offenders terminated from supervision who may be eligible for restoration of civil rights; repealing s. 944.293, F.S., relating to initiation of the restoration of an inmate's civil rights; amending s. 944.35, F.S.; including employees of private correctional facilities within a statute prohibiting employees from committing certain sexual misconduct with inmates; providing criminal penalties; amending s. 944.605, F.S.; authorizing the Department of Corrections to electronically submit certain information to the sheriff of the county in which the inmate plans to reside and to the chief of police of the municipality where the inmate plans to reside; amending ss. 944.804 and 944.8041, F.S.; requiring the department to establish and operate certain geriatric facilities or dorms at prison institutions; removing provisions requiring the operation of a specified facility; amending s. 945.41, F.S.; deleting a prohibition against the placement of youthful offenders at certain institutions for mental health treatment; amending s. 945.42, F.S.; deleting references to an inmate's refusal of voluntary placement for purposes of determining the inmate's need for care and treatment; amending s. 945.43, F.S.; clarifying that an inmate is placed in, rather than admitted to, a mental health treatment facility; requiring that a petition for placement be filed in the county in which an inmate is located; authorizing the department to transport the inmate to the location of the hearing on such a placement under certain circumstances; amending s. 945.46, F.S.; providing procedures for the transport of inmates who are mentally ill and who are scheduled to be released from confinement; creating s. 946.42, F.S.; authorizing the department to use inmate labor on private property under certain circumstances; defining terms; repealing s. 948.001(3), F.S., relating to the definition of the term "criminal quarantine community control," to conform to changes made by the act; amending s. 948.03, F.S.; providing additional conditions of probation to be applied to a defendant; deleting certain requirements for possession of a weapon other than a firearm; requiring that a digitized photograph of an offender be part of the offender's record; authorizing the department to display such photographs on its website for a specified period; providing exceptions; amending s. 948.09, F.S.; conforming a cross-reference; amending ss. 948.101 and 948.11, F.S.; deleting provisions related to criminal quarantine community control; amending s. 951.26, F.S.; authorizing each local public safety coordinating council to develop a comprehensive local reentry plan for offenders reentering the community; providing plan requirements; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Bogdanoff to adopt **Amendment 1**, having been temporarily postponed earlier today.

The question recurred on the adoption of **Amendment 1**.

### Point of Order

Rep. Adams raised a point of order, under Rule 12.8, that the amendment was not germane.

The Chair [Speaker Cretul] referred the point to Rep. Galvano, Chair of the Rules & Calendar Council, for a recommendation.

Subsequently, **Amendment 1** was withdrawn.

Representative Holder offered the following:

(Amendment Bar Code: 432313)

**Amendment 2**—Remove lines 687-689 and insert:  
offender is under court-ordered supervision. However, the department may not display the photograph on the website if the offender is only on pretrial intervention supervision or if the offender's identity is exempt

Rep. Holder moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**CS/HB 951**—A bill to be entitled An act relating to public safety; amending s. 790.065, F.S.; requiring certain reports to be submitted in an automated format; deleting provisions relating to automatic deletion of mental health records under specified conditions from the Department of Law Enforcement's database of such records kept for purposes of sale and delivery of firearms and substituting a procedure for petition to obtain judicial relief from firearm disabilities and, upon obtaining such relief, the removal of the individual mental health records from the department's database; amending s. 943.05, F.S.; revising provisions relating to the Criminal Justice Information Program under the Department of Law Enforcement; authorizing agencies to request the retention of certain fingerprints by the department; providing for rulemaking to require employers to keep the agencies informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained in certain circumstances; providing departmental duties upon notification that a federal fingerprint retention program is in effect; amending s. 943.053, F.S.; removing obsolete references relating to the dissemination of criminal justice information; amending s. 943.12, F.S.; requiring the Criminal Justice Standards and Training Commission to adopt rules relating to the maintenance of officers who engage in those specialized areas found to present a high risk of harm to the officer or the public at large; requiring the commission to adopt rules requiring the demonstration of proficiency in firearms for all law enforcement officers; amending s. 943.131, F.S.; revising provisions relating to exemptions from completing a commission-approved basic recruit training program; amending s. 943.1395, F.S.; revising provisions relating to qualifications for certified law enforcement officers separated from employment for more than a certain period of time; amending s. 943.17, F.S.; deleting a requirement that correctional probation officers pass a specified basic skills examination and assessment instrument before entrance into the basic recruit training program; amending s. 943.32, F.S.; deleting state funding eligibility for a locally funded crime laboratory in Monroe County; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 7219**—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2010 version of the Internal Revenue Code; providing for retroactive operation; providing an effective date.

—was taken up, having been temporarily postponed earlier today, and read the second time by title.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

### Motion to Adjourn

Rep. Cannon moved that the House, after receiving reports, adjourn for the purpose of holding council and committee meetings and conducting other House business, to reconvene at 9:30 a.m., Wednesday, April 21, 2010, or upon call of the Chair. The motion was agreed to.

### Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Braynon:

Yeas—April 15: 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784

Rep. Bullard:

Yeas—March 18: 575, 576, 579; April 19: 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 804, 805, 811

Nays—April 19: 808, 809

Rep. Cannon:

Yeas—March 24: 615, 616; April 6: 690

Rep. Domino:

Yeas—March 10: 566; March 24: 627; March 31: 634; April 7: 709

Rep. Mayfield:

Yeas to Nays—April 19: 811

Rep. Randolph:

Yeas—April 19: 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 811

Nays—April 19: 808, 809

Rep. Rehwinkel Vasilinda:

Yeas—April 1: 644, 664

Rep. Weatherford:

Yeas—March 24: 618; April 19: 790

### First-named Sponsors

CS/CS/HJR 37—Adams

CS/HM 1187—Crisafulli

### Cosponsors

HB 5—Bovo

HB 7—Jones, McBurney

HB 11—Long

CS/CS/HJR 37—Cannon, Patterson, Rivera

HB 387—Chestnut, Domino, Garcia, Rogers, Taylor, G. Thompson, A. Williams, Zapata

CS for HB 483 & HB 469—Gaetz

CS/CS/CS/HB 561—Proctor

CS/CS/HB 633—Cruz, Y. Roberson, Weinstein

HB 651—Gaetz

CS/HB 1003—Gaetz

HB 1147—Gaetz, Saunders

CS/HB 1203—Patterson

CS/CS/CS/HB 1239—Gaetz

CS/CS/HB 1241—Gaetz

CS/HB 1493—Kiar

CS for HM 1589 & HM 1365—Crisafulli

HB 5713—Gaetz

CS/HB 7127—Gaetz

CS/HB 7189—Grady

CS/HB 7205—Mayfield

HCR 8001—Ambler, Grimsley, Hays, McBurney, Rivera

HR 9075—Zapata

HR 9103—Zapata

HR 9105—Zapata

HR 9127—Wood

### Withdrawals as Cosponsor

CS/CS/HJR 37—Adams

CS/HM 1187—Crisafulli

### First Reading of Council and Committee Substitutes by Publication

By the Full Appropriations Council on Education & Economic Development; and Economic Development Policy Committee; Representative Kreegel—

**CS/CS/HB 773**—A bill to be entitled An act relating to environmental control; amending ss. 220.1845 and 376.30781, F.S.; providing requirements for claiming certain site rehabilitation costs in applications for contaminated site rehabilitation tax credits; conforming cross-references; amending s. 376.85, F.S.; revising requirements for the Department of Environmental Protection's annual report to the Legislature regarding site rehabilitation; amending s. 403.973, F.S.; transferring certain authority over the expedited permitting and comprehensive plan amendment process from the Office of Tourism, Trade, and Economic Development to the Secretary of Environmental Protection; revising job-creation criteria for businesses to qualify to submit permit applications and local comprehensive plan amendments for expedited review; providing that permit applications and local comprehensive plan amendments for specified renewable energy projects are eligible for the expedited permitting process; providing for the

establishment of regional permit action teams through the execution of memoranda of agreement developed by permit applicants and the secretary; revising provisions relating to the memoranda of agreement developed by the secretary; providing for the appeal of local government comprehensive plan approvals for projects and requiring such appeals to be consolidated with challenges to state agency actions; requiring recommended orders relating to challenges to state agency actions pursuant to summary hearing provisions to include certain information; extending the deadline for issuance of final orders relating to such challenges; providing for challenges to state agency action related to expedited permitting for specified renewable energy projects; revising provisions relating to the review of sites proposed for the location of facilities eligible for the Innovation Incentive Program; revising criteria for counties eligible to receive technical assistance in preparing permit applications and local comprehensive plan amendments; specifying expedited review eligibility for certain electrical power projects; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Economic Development & Community Affairs Policy Council; Criminal & Civil Justice Policy Council; and Military & Local Affairs Policy Committee; Representative Bovo—

**CS/CS/CS/HB 829**—A bill to be entitled An act relating to local government; amending s. 106.113, F.S.; deleting provisions prohibiting electioneering communication expenditures by local governments; revising the applicability of provisions restricting expenditures by local governments; amending s. 125.35, F.S.; authorizing a board of county commissioners to negotiate the lease of certain real property for a limited period; amending s. 337.29, F.S.; authorizing transfers of right-of-way between local governments by deed; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Economic Development & Community Affairs Policy Council; Full Appropriations Council on Education & Economic Development; and Economic Development Policy Committee; Representatives Ray, Adkins, Ambler, Carroll, Dorworth, Fresen, Gaetz, McBurney, Reagan, Wood, and Zapata—

**CS/CS/CS/HB 963**—A bill to be entitled An act relating to seaports; creating s. 373.4133, F.S.; providing legislative findings; providing for port conceptual permits; providing which ports may apply for a port conceptual permit; authorizing a private entity that has adjacent property to apply for a permit; specifying the length of time for which permit may be issued; providing that a permit is a conceptual certification of compliance with state water quality standards and a conceptual determination of consistency with the state coastal zone management program; providing for permit applications and application requirements; requiring the Department of Environmental Protection to effect a certain balance between the benefits of the facility and the environment; providing that a permit provides certain assurances with respect to construction permits if certain requirements are met; providing for advance mitigation; providing that approval of certain submerged lands authorization by the Board of Trustees of the Internal Improvement Trust Fund constitutes the delegation of authority to the department for final agency action; providing an exception; providing procedures for the approval or denial of an application; providing for administrative challenges; authorizing the department and the board to issue certain permits and authorizations before certain actions are taken under the Endangered Species Act; authorizing certain alternative stormwater treatment and design criteria; providing requirements for proposing such criteria; authorizing the department and the board to adopt rules; providing for implementation; amending s. 311.07, F.S.; revising matching-fund requirements for projects to rehabilitate wharves, docks, berths, bulkheads, or similar structures; amending s. 311.09, F.S.; requiring the Department of Transportation to include certain projects' funding allocations in its legislative budget request and to submit specified work program amendments within a certain timeframe; providing for the transfer of unexpended budget between seaport projects; amending s.

403.061, F.S.; removing the requirement to enter into a memorandum of agreement with the Florida Ports Council from the authority granted to the Department of Environmental Protection to provide supplemental permitting processes for the issuance of certain permits; amending s. 403.813, F.S.; revising requirements relating to maintenance dredging at seaports; expanding the parameters for mixing zones and return-water discharges; prohibiting mixing zones from entering wetland communities; increasing the time allowance for maintenance dredging following a storm event; amending ss. 161.055 and 253.002, F.S.; conforming provisions to changes made by the act; authorizing seaports to enter into public-private agreements for port-related public infrastructure projects; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Health & Family Services Policy Council; and Health Care Regulation Policy Committee; Representative Flores—

**CS/CS/HB 1503**—A bill to be entitled An act relating to health care; amending s. 112.0455, F.S., and repealing paragraph (10)(e), relating to a prohibition against applying the Drug-Free Workplace Act retroactively; conforming a cross-reference; amending s. 381.00315, F.S.; directing the Department of Health to accept funds from counties, municipalities, and certain other entities for the purchase of certain products made available under a contract with the United States Department of Health and Human Services for the manufacture and delivery of such products in response to a public health emergency; repealing s. 383.325, F.S., relating to the requirement of a licensed facility under s. 383.305, F.S., to maintain inspection reports; amending s. 395.0197, F.S.; providing for a rebuttable presumption against negligence or malpractice claims for hospitals and their employees or independent contractors under specified circumstances; establishing components for the plan; repealing s. 395.1046, F.S., relating to the investigation of complaints regarding hospitals; repealing s. 395.3037, F.S.; deleting definitions relating to obsolete provisions governing primary and comprehensive stroke centers; amending s. 400.0239, F.S.; deleting an obsolete provision; repealing s. 400.147(10), F.S., relating to a requirement that a nursing home facility report any notice of a filing of a claim for a violation of a resident's rights or a claim of negligence; repealing s. 400.148, F.S., relating to the Medicaid "Up-or-Out" Quality of Care Contract Management Program; repealing s. 400.195, F.S., relating to reporting requirements for the Agency for Health Care Administration; amending s. 400.476, F.S.; providing requirements for an alternate administrator of a home health agency; revising the duties of the administrator; revising the requirements for a director of nursing for a specified number of home health agencies; prohibiting a home health agency from using an individual as a home health aide unless the person has completed training and an evaluation program; requiring a home health aide to meet certain standards in order to be competent in performing certain tasks; requiring a home health agency and staff to comply with accepted professional standards; providing certain requirements for a written contract between certain personnel and the agency; requiring a home health agency to provide certain services through its employees; authorizing a home health agency to provide additional services with another organization; providing responsibilities of a home health agency when it provides home health aide services through another organization; requiring the home health agency to coordinate personnel who provide home health services; requiring personnel to communicate with the home health agency; amending s. 400.487, F.S.; requiring a home health agency to provide a patient or the patient's legal representative a copy of the agreement between the agency and the patient which specifies the home health services to be provided; providing the rights that are protected by the home health agency; requiring the home health agency to furnish nursing services by or under the supervision of a registered nurse; requiring the home health agency to provide therapy services through a qualified therapist or therapy assistant; providing the duties and qualifications of a therapist and therapy assistant; requiring supervision by a physical therapist or occupational therapist of a physical therapist assistant or occupational therapy assistant; providing duties of a physical therapist assistant or occupational therapy assistant; providing for speech therapy services to be provided by a qualified speech-language

pathologist or audiologist; providing for a plan of care; providing that only the staff of a home health agency may administer drugs and treatments as ordered by certain health professionals; providing requirements for verbal orders; providing duties of a registered nurse, licensed practical nurse, home health aide, and certified nursing assistant who work for a home health agency; providing for supervisory visits of services provided by a home health agency; repealing s. 408.802(11), F.S., relating to the applicability of the Health Care Licensing Procedures Act to private review agents; repealing s. 409.912(15)(e), (f), and (g), F.S., relating to a requirement for the Agency for Health Care Administration to submit a report to the Legislature regarding the operations of the CARE program; repealing s. 409.9122(13), F.S., relating to Medicaid managed prepaid plan minimum enrollment levels for plans operating in Miami-Dade County; amending s. 409.91255, F.S.; transferring administrative responsibility for the application procedure for federally qualified health centers from the Department of Health to the Agency for Health Care Administration; requiring the Florida Association of Community Health Centers, Inc., to provide support and assume administrative costs for the program; repealing s. 429.12(2), F.S., relating to the sale or transfer of ownership of an assisted living facility; repealing s. 429.23(5), F.S., relating to each assisted living facility's requirement to submit a report to the agency regarding liability claims filed against it; repealing s. 429.911(2)(a), F.S., relating to an intentional or negligent act materially affecting the health or safety of center participants as grounds for which the agency may take action against the owner of an adult day care center or its operator or employee; requiring persons who apply for licensure renewal as a dentist or dental hygienist to furnish certain information to the Department of Health in a dental workforce survey; requiring the Board of Dentistry to issue a nondisciplinary citation and a notice for failure to complete the survey within a specified time; providing notification requirements for the citation; requiring the department to serve as the coordinating body for the purpose of collecting, disseminating, and updating dental workforce data; requiring the department to maintain a database regarding the state's dental workforce; requiring the department to develop strategies to maximize federal and state programs and to work with an advisory body to address matters relating to the state's dental workforce; providing membership of the advisory body; providing for members of the advisory body to serve without compensation; requiring the department to act as a clearinghouse for collecting and disseminating information regarding the dental workforce; requiring the department and the board to adopt rules; providing legislative intent regarding implementation of the act within existing resources; amending s. 499.01, F.S.; authorizing certain business entities to pay for prescription drugs obtained by practitioners licensed under ch. 466, F.S.; amending s. 624.91, F.S.; revising the membership of the board of directors of the Florida Healthy Kids Corporation to include a member nominated by the Florida Dental Association and appointed by the Governor; amending s. 381.0403, F.S.; deleting provisions relating to the program for graduate medical education innovations and the graduate medical education committee and report; conforming cross-references; amending s. 381.4018, F.S.; providing definitions; requiring the Department of Health to coordinate and enhance activities regarding the reentry of retired military and other physicians into the physician workforce; revising the list of governmental stakeholders that the department is required to work with regarding the state strategic plan and in assessing the state's physician workforce; creating the Physician Workforce Advisory Council; providing membership of the council; providing for appointments to the council; providing terms of membership; providing for removal of a council member; providing for a chair and vice chair of the council; providing that council members are not entitled to receive compensation or reimbursement for per diem or travel expenses; providing the duties of the council; establishing the physician workforce graduate medical education innovation pilot projects under the department; providing the purposes of the pilot projects; providing for the appropriation of state funds for the pilot projects; requiring the pilot projects to meet certain policy needs of the physician workforce in this state; providing criteria for prioritizing proposals for pilot projects; requiring the department to adopt by rule appropriate performance measures; requiring participating pilot projects to submit an annual report to the department; requiring state funds to be used to supplement funds from other sources; requiring the department to adopt rules;

amending ss. 458.3192 and 459.0082, F.S.; requiring the department to determine by geographic area and specialty the number of physicians and osteopathic physicians who plan to relocate outside the state, practice medicine in this state, and reduce or modify the scope of their practice; authorizing the department to report additional information in its findings to the Governor and the Legislature; amending s. 458.315, F.S.; revising the standards for the Board of Medicine to issue a temporary certificate to a certain physicians to practice medicine in areas of critical need; authorizing the State Surgeon General to designate areas of critical need; creating s. 459.0076, F.S.; authorizing the Board of Osteopathic Medicine to issue temporary certificates to osteopathic physicians who meet certain requirements to practice osteopathic medicine in areas of critical need; providing restrictions for issuance of a temporary certificate; authorizing the State Surgeon General to designate areas of critical need; authorizing the Board of Osteopathic Medicine to waive the application fee and licensure fees for obtaining temporary certificates for certain purposes; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Economic Development & Community Affairs Policy Council; and Finance & Tax Council; Representative Bogdanoff—

**CS/HB 7215**—A bill to be entitled An act relating to property taxation; amending s. 193.1554, F.S.; specifying an additional type of transfer under which no change of ownership of nonhomestead residential property occurs; amending s. 193.1555, F.S.; specifying an additional type of transfer under which no change of ownership of nonresidential property occurs; amending s. 193.1556, F.S.; providing that a recorded deed or other instrument serves as notice of a change of ownership; requiring the Department of Revenue to provide a form by which a property owner may notify a property appraiser of a change of ownership; specifying a form requirement; amending s. 193.461, F.S.; specifying application of a methodology for assessing certain agricultural production structures or improvements used for specified purposes; amending s. 196.061, F.S.; revising criteria for rental of a homestead as constituting abandonment of the homestead; providing a definition; amending s. 196.1995, F.S.; expanding the authority of the governing body of a county or municipality to renew economic development ad valorem tax exemptions for multiple 10-year periods upon approval by referendum for each renewal; authorizing persons to report to the property appraiser possible homestead exemption violations under certain circumstances; requiring the property appraiser to pay a specified reward to the reporting individual after recovering back taxes or penalties; providing a limitation; requiring funds for such reward to be taken from a specified source; limiting payment of a reward for each verified violation; requiring that the Department of Revenue create a form for reporting such violations and provide such form by specified means; requiring that each submitted form contain certain information; providing duties of the property appraiser; creating s. 193.1553, F.S.; providing a definition; requiring property appraisers to consider the existence of a cancer cluster in determining the assessed value of property; requiring the property appraiser to consider certain information in making such determinations; providing for future review and repeal; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

## Reference

**CS/CS/HB 219**—Referred to the Calendar of the House.

**CS/CS/HB 511**—Referred to the Calendar of the House.

**CS/CS/CS/HB 631**—Referred to the Calendar of the House.

**CS/CS/HB 723**—Referred to the Calendar of the House.

**CS/CS/CS/HB 829**—Referred to the Calendar of the House.

**CS/CS/CS/HB 963**—Referred to the Calendar of the House.

**CS/CS/HB 1503**—Referred to the Calendar of the House.

**CS/CS/HB 1565**—Referred to the Calendar of the House.

**CS/HB 7083**—Referred to the Calendar of the House.

**CS/HB 7203**—Referred to the Calendar of the House.

**CS/HB 7215**—Referred to the Calendar of the House.

**HB 7241**—Referred to the Calendar of the House.

**HB 7243**—Referred to the Calendar of the House.

## House Resolutions Adopted by Publication

At the request of Rep. Culp—

**HR 9075**—A resolution recognizing April 2010 as "Adopt a Shelter Pet Month" in Florida.

WHEREAS, Florida and the nation have an enormous problem with pet overpopulation, with 3 to 4 million cats and dogs euthanized nationally each year, and

WHEREAS, adopting a pet from a shelter and caring for that animal for the rest of its life is a responsible way to help Florida's pet animal population, rather than contributing to overcrowding, and

WHEREAS, pets adopted from Florida animal shelters are generally spayed or neutered at the time of adoption, which further helps to reduce pet overpopulation, and

WHEREAS, animal shelters are focused on animal placement, which is why most shelters provide low-cost adoptions so that everyone can have the opportunity to bring a loving pet into his or her home, and

WHEREAS, adopting a pet from a local animal shelter is one way Floridians can make a difference not only in their own lives, but also in the life of an animal in need, and assist local shelters in these difficult times, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the month of April 2010 is recognized as "Adopt a Shelter Pet Month" in Florida, and the House of Representatives encourages all Floridians as a result to visit their local animal shelter and enrich their lives and save a life by adopting an animal from that shelter.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Saunders—

**HR 9103**—A resolution recognizing April 20, 2010, as "Florida Keys Day" in Tallahassee.

WHEREAS, the Florida Keys are a unique chain of coral reef islands that stretch 110 miles from Key Largo to Key West, and

WHEREAS, the portion of US 1 that traverses the Keys is Florida's only All-American Road and is comprised of 42 bridges which connect the vast span of over 800 islands and includes the Seven Mile Bridge, and

WHEREAS, the Florida Keys are considered to be both the diving and saltwater sport fishing capitals of the world, offering reefs, artificial and historical wrecks, and a diversity of fish species rarely found in any other location, and

WHEREAS, the Florida Keys were home to Henry Flagler's Overseas Railroad, referred to as the Eighth Wonder of the World in its day, which was completed in 1912 and operated for 23 years carrying passengers to Key West until its destruction in 1935, and

WHEREAS, Key West is the southernmost city in the United States and is geographically closer to Havana, Cuba, than any other city in the country, and

WHEREAS, the Florida Keys, as America's own tropical paradise, have attracted some of the most talented artists, writers, fishermen, and presidents to call the islands their home, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes April 20, 2010, as "Florida Keys Day" in Tallahassee and applauds the residents, visitors, and elected officials who have made the Florida Keys flourish and who make the State of Florida a better place to live.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Fetterman—

**HR 9111**—A resolution recognizing the students, faculty, staff, alumni, and Board of Trustees of Indian River State College as they celebrate "50 Years of Innovation" as an institution of higher learning in Florida.

WHEREAS, the Florida Legislature approved the creation of Indian River Junior College and Lincoln Junior College in 1959, establishing the first institutions of higher education on Florida's Treasure Coast in 1960, and

WHEREAS, the two institutions merged in 1965, and governance of Indian River Junior College shifted in 1968 from the local school board to a district board of trustees, concurrent with the addition of occupational and adult education programs that resulted in the renaming of the expanded institution to Indian River Community College in 1970, and

WHEREAS, Indian River Community College expanded educational access in the region by establishing four branch campuses, the Mueller Campus in Vero Beach in 1976, the Chastain Campus in Stuart in 1982, the Dixon Hendry Campus in Okeechobee in 1986, and the St. Lucie West Campus in Port St. Lucie in 1992, a rapidly growing joint campus with Florida Atlantic University, and

WHEREAS, throughout its history, the college has encouraged excellence in and out of the classroom with consistently strong student representation on the All-Florida Academic Team and international recognition for the River Swimming and Diving Team's achievement of holding the longest current national championship winning streak in any intercollegiate competition, at any level, and

WHEREAS, in 2008, the institution was granted authority to confer baccalaureate degrees in education, nursing, organizational management, health care management, and public safety administration, bringing about the name change to Indian River State College, and

WHEREAS, the college is fundamentally committed to the advancement of science, technology, education, and math, leading the charge to transform the region into the "Research Coast" by creating a skilled workforce and helping to attract life science, digital media, and other emerging technology firms, and

WHEREAS, honored as the nation's top community college in technology in 2005 and 2007 by the American Association of Community Colleges, IRSC now offers over 100 programs leading to bachelor's degrees, associate degrees, technical certificates, and applied technology diplomas and is fully committed to the mission of positively impacting lives by "making possibilities a reality," and

WHEREAS, approximately 35,000 students each year and hundreds of thousands of students over the past half century have walked through the open doors of Indian River State College to a better future, increasing their earning power and improving their quality of life, and

WHEREAS, the last 50 years have seen Indian River State College evolve into a dominant educational, technical, and cultural center on Florida's Treasure Coast, providing innovative leadership in the areas of economic development, workforce responsiveness, high-quality, affordable education, and most importantly, student success, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:



That the students, faculty, staff, alumni, and Board of Trustees of Indian River State College are recognized on the occasion of their Golden Anniversary and in celebration of "50 Years of Innovation at IRSC."

BE IT FURTHER RESOLVED that a copy of this resolution be presented to President Edwin R. Massey on behalf of Indian River State College as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

## Reports of Standing Councils and Committees

### Received April 19:

The Full Appropriations Council on Education & Economic Development reported the following favorably:  
CS/HB 265

The above council substitute was transmitted to the next council or committee of reference, the Finance & Tax Council.

### Received April 20:

The Full Appropriations Council on Education & Economic Development reported the following favorably:  
CS/HB 773 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/HB 773 was laid on the table.

The Economic Development & Community Affairs Policy Council reported the following favorably:  
CS/CS/HB 829 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/CS/HB 829 was laid on the table.

The Economic Development & Community Affairs Policy Council reported the following favorably:  
CS/CS/HB 963 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/CS/HB 963 was laid on the table.

The Health & Family Services Policy Council reported the following favorably:  
CS/HB 1503 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, CS/HB 1503 was laid on the table.

The General Government Policy Council reported the following favorably:  
HB 7177 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 7177 was laid on the table.

The Full Appropriations Council on Education & Economic Development reported the following favorably:  
HB 7207

The above bill was placed on the Calendar of the House.

The Economic Development & Community Affairs Policy Council reported the following favorably:  
HB 7215 with council substitute

The above council substitute was transmitted to the Office of the Speaker, subject to referral under Rule 7.20. Under the rule, HB 7215 was laid on the table.

## Enrolling Reports

CS/HB 295 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 20, 2010.

*Robert L. "Bob" Ward, Clerk*

## Excused

Reps. Bush, Culp; Rep. Dorworth from 10:45 a.m. until 12:30 p.m.; Rep. Fetterman from 10:36 a.m. until 2:30 p.m.; Reps. Hukill, McKeel; Rep. Rehwinkel Vasilinda from 10:36 a.m. until 2:30 p.m.

The following Conference Committee Managers were excused in order to conduct business with their Senate counterparts:

HB 5001, and related legislation (HB 5003, CS/HB 5101, HB 5201, HB 5301, HB 5303, HB 5305, HB 5307, HB 5309, HB 5311, CS/HB 5401, HB 5403, HB 5501, CS/HB 5503, HB 5505, HB 5601, HB 5603, HB 5605, HB 5607, CS/HB 5611, HB 5701, HB 5703, HB 5705, HB 5707, HB 5709, HCR 5711, HB 5713, CS/HB 5801, CS for CS for SB 1238, CS for SB 1396, CS for SB 1436, CS for SB 1442, CS for CS for SB 1484, CS for SB 1508, CS for SB 1510, CS for SB 1514, CS for CS for SB 1516, CS for SB 1592, CS for SB 1646, CS for SB 2020, CS for SB 2024, CS for SB 2374, and CS for SB 2386), to serve with Rep. Rivera, Chair: PreK-12 Appropriations Committee—Rep. Flores, Chair, and Reps. Bullard, Clarke-Reed, Coley, Fresen, Kiar, Legg, and Stargel; State Universities & Private Colleges Appropriations—Rep. Proctor, Chair, and Reps. Bernard, Brisé, Burgin, Dorworth, Jones, McKeel, O'Toole, and Reed; Transportation & Economic Development Appropriations—Rep. Glorioso, Chair, and Reps. Carroll, Fitzgerald, Gibson, Jenne, Horner, Hukill, Murzin, Patronis, Rogers, and Schenck; Criminal & Civil Justice Appropriations—Rep. Adams, Chair, and Reps. Eisnaugle, Holder, Kreegel, McBurney, Porth, Rouson, Soto, and Tobia; Government Operations Appropriations—Rep. Hays, Chair, and Reps. Abruzzo, Braynon, Gonzalez, Nelson, Ray, A. Williams, and Workman; Health Care Appropriations—Rep. Grimsley, Chair, and Reps. Chestnut, Ford, Frishe, Hudson, Y. Roberson, Skidmore, and N. Thompson; Natural Resources Appropriations—Rep. Poppell, Chair, and Reps. Bembry, Boyd, Brandenburg, Crisafulli, Plakon, Precourt, and T. Williams; Full Committee—At Large: Reps. Aubuchon, Bogdanoff, Galvano, Gibbons, Hasner, Lopez-Cantera, Reagan, Sands, G. Thompson, Thurston, and Weatherford.

## Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:16 p.m., to reconvene at 9:30 a.m., Wednesday, April 21, 2010, or upon call of the Chair.

## CHAMBER ACTIONS ON BILLS

Tuesday, April 20, 2010

HB	11 — Read 3rd time; Passed; YEAS 80, NAYS 28	CS/HB	951 — Read 2nd time
CS/CS/HB	25 — Read 3rd time; CS passed; YEAS 113, NAYS 0	CS/CS/HB	1005 — Read 2nd time; Amendment 432313 adopted
CS/HB	91 — Read 2nd time	CS/CS/CS/HB	1143 — Temporarily postponed, on 2nd Reading
CS/CS/CS/HB	159 — Read 3rd time; CS passed; YEAS 114, NAYS 0	HB	1147 — Read 3rd time; Passed; YEAS 114, NAYS 0
CS/CS/HB	225 — Temporarily postponed, on 2nd Reading	HB	1179 — Read 2nd time
CS/HB	341 — Read 2nd time; Read 3rd time; CS passed; YEAS 110, NAYS 0	CS/HB	1233 — Read 2nd time
CS/CS/HB	447 — Read 2nd time; Amendment 455231 adopted; Amendment 983881 adopted; Amendment 195987 adopted	CS/HB	1253 — Read 2nd time
CS/HB	491 — Read 2nd time	CS/CS/HB	1307 — Read 3rd time; CS passed as amended; YEAS 113, NAYS 0
CS/CS/HB	509 — Read 2nd time	CS/CS/HB	1337 — Read 2nd time; Amendment 001149 adopted
CS/HB	551 — Read 3rd time; CS passed; YEAS 110, NAYS 0	CS/HB	1493 — Read 3rd time; CS passed; YEAS 113, NAYS 0
CS/HB	573 — Read 2nd time	CS/HB	1505 — Read 2nd time
HB	595 — Read 3rd time; Passed as amended; YEAS 112, NAYS 0; Amendment 915373 adopted	CS/HB	1537 — Read 3rd time; Amendment 351543 adopted; Amendment 854699 adopted; Amendment 101429 adopted; CS passed as amended; YEAS 110, NAYS 0
HB	661 — Read 2nd time	HB	1581 — Read 2nd time
CS/HB	765 — Read 2nd time; Amendment 123643 adopted; Amendment 214935 adopted; Amendment 960727 adopted	CS for SB	2060 — Read 3rd time; CS passed; YEAS 110, NAYS 4
CS/CS/HB	787 — Read 2nd time	CS for SB	2440 — Read 3rd time; CS passed; YEAS 114, NAYS 0
CS/CS/HB	885 — Read 2nd time	CS/HB	7183 — Read 2nd time; Amendment 149365 adopted; Amendment 445633 adopted; Amendment 790509 adopted
CS/CS/HB	911 — Read 2nd time	HB	7219 — Read 2nd time
HB	923 — Read 2nd time; Amendment 760779 adopted	HR	9063 — Read 2nd time; Adopted
CS/CS/HB	945 — Read 2nd time		

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